



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2556th meeting

Held at the Palais Wilson, Geneva, on Monday, 7 August 2017, at 3 p.m.

Chair: Ms. Crickley

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined eighteenth to twenty-first periodic reports of the United Arab Emirates

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined eighteenth to twenty-first periodic reports of the United Arab Emirates (CERD/C/ARE/18-21 and CERD/C/ARE/Q/18-21)

1. *At the invitation of the Chair, the delegation of the United Arab Emirates took places at the Committee table.*

2. **Mr. Alawadi** (United Arab Emirates) said that, since the review of the previous combined reports submitted by the United Arab Emirates (CERD/C/ARE/12-17), the State had continued to strengthen its legislative framework and legal system and to develop its institutions in order to eradicate all forms of racial discrimination. It had implemented the recommendations issued in the concluding observations of the Committee on the Elimination of Racial Discrimination, demonstrating the determination of the Government to combat the scourge of racial discrimination.

3. Since the founding of the United Arab Emirates in 1971, respect for and protection of human rights had been a priority. Equality, social justice and the safety of all individuals were emphasized in the Constitution and domestic legislation, and the Government scrupulously adhered to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, to which it had acceded in 1974.

4. Decree-Law No. 2 of 2015, on combating discrimination and hatred, prohibited discrimination on such grounds as religion, race, colour and ethnic origin and criminalized any speech or conduct which might incite discord among individuals or groups. Federal Act No. 51 of 2006 as amended by Federal Act No. 1 of 2015 provided for the protection of victims of human trafficking.

5. The judiciary was the foundation for social justice. The Constitution and the broader legal framework guaranteed the rights to lodge complaints, of recourse to the courts, to counsel at all levels of judicial proceedings and to appeal judicial decisions; the safety of the parties to proceedings was also protected. In 2016, the World Justice Project Rule of Law Index had ranked the United Arab Emirates first in the Middle East and North Africa for the third year in a row; that same year, it had placed thirty-third worldwide on the same index.

6. Women accounted for nearly half of the overall workforce and held approximately two thirds of the jobs in the government sector. The 2015-2021 National Strategy for Empowerment of Emirati Women sought to provide a framework for women-centred programmes in a variety of spheres, including government and civil society. In 2015, the Gender Balance Council was established to reduce the gender gap in all sectors.

7. Cognizant of the State's status as home to people of more than 200 nationalities, the Government sought to protect the rights of both its own nationals and foreign nationals residing in its territory. In that connection, there had been several achievements in the area of labour rights. The Ministry of Human Resources and Emiratization had adopted a new foreign-worker policy which sought to ensure transparency in the recruitment process and to provide concrete safeguards for foreign workers. Decrees had been promulgated to regulate the issuance of workers' permits and the termination of employment. To combat passport confiscation by employers, the standard employment contract established in 2015 stipulated the right of workers to retain their identity documents. A series of activities had been carried out to raise awareness of workers' rights among both workers and employers. To monitor compliance with labour legislation, an integrated electronic system had been developed.

8. In 2012, the National Committee to Combat Human Trafficking had established a strategy based on prevention, judicial prosecution, protection of victims and international cooperation. The strategy's numerous achievements included the delivery of training to anti-human trafficking personnel and the running of awareness-raising campaigns directed at both the general public and vulnerable populations.

9. The State placed great store on tolerance, as demonstrated by the guarantee of religious freedom which was enshrined in the Constitution. In keeping with that attitude, Sheikh Mohammed bin Zayed Al Nahyan, Crown Prince of Abu Dhabi and Deputy Supreme Commander of the Armed Forces, had met with Pope Francis in 2016. The purpose of the meeting was to foster tolerance, dialogue and coexistence among the peoples of the world.

10. In 2016, the Government had launched the national tolerance programme, under which a number of initiatives had been established. Such initiatives included the Voice of Tolerance, a series of activities aimed at rejecting racism and hatred through the use of social media, and the Council of Tolerance, a body which would be tasked with the development of policies to promote respect for cultural diversity. The tolerance responsibility programme for organizations would encourage compliance with a set of standards based on the rejection of violence, racism and discrimination. That same year, the Ministry of Education had begun the dissemination of a charter of tolerance for teachers. The purpose of the document was to spread the spirit of non-discrimination and equality throughout the public and private school system and the universities.

11. The Smart Guidance Kiosk, introduced in 2015, was an intelligent remote device which provided workers with legal information on their rights and duties.

12. The United Arab Emirates was an active supporter of the United Nations, contributing to several of its specialized funds and holding a seat on the Human Rights Council. It had hosted visits from both the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on trafficking in persons, especially women and children. The State was committed to cooperation with the United Nations human rights bodies and mechanisms and looked forward to a constructive dialogue with the Committee.

13. **Mr. Kemal** (Country Rapporteur) said that the State party's report painted a picture of the progress made by the national authorities in overhauling domestic legislation and addressed the Committee's 2009 concluding observations. It would be useful, however, to have information on the impact of measures taken to tackle the exploitation of migrant workers by private contractors. He asked whether the sum of US\$ 29 billion in remittances cited in the State party report included amounts transmitted via the informal money transfer system (*Hawala*).

14. Referring to the Committee's 2009 concluding observations (CERD/C/ARE/CO/17), he said that the State party might wish to provide disaggregated socioeconomic data on non-nationals based on nationality and broad geographical region of origin (paragraph 10). It remained unclear whether article 26 of the Constitution guaranteeing the personal liberty of all citizens covered non-nationals (paragraph 11). The 2009 concluding observations had referred to a lack of legislation specifically prohibiting racial discrimination (paragraph 12) and of laws fulfilling the requirements of article 4 of the Convention on the penalization of the dissemination of ideas based on racial hatred (paragraph 13).

15. The Committee would welcome the introduction of legislation containing a clear legal definition of racial discrimination. It would be useful to have detailed information on how the enactment of Decree-Law No. 2 of 2015 had affected the situation of ethnic minorities, including examples of cases brought before the courts under the Decree-Law. An explanation of the concordance of efforts to prohibit hate speech with article 4 of the Convention would likewise be useful. He asked whether the Decree-Law covered private-sector workers, particularly in the light of reports of discrimination against Asian and African employees.

16. In its 2009 concluding observations, the Committee had recommended strengthening the protection of foreign workers through legislation curbing practices such as the withholding of passports by employers. The State party had also been requested to ensure that existing laws were actually implemented and to enhance labour inspection mechanisms (paragraph 14). Furthermore, the Committee had called for the strengthening of efforts to protect persons recruited under the sponsor system (paragraph 15) and had offered recommendations on the protection of domestic workers' labour rights (paragraph 16).

17. The State party had acted constructively in response to those recommendations. According to paragraphs 74 to 94 of the State party report, the national authorities had established complaints mechanisms, direct channels of communication with workers, labour welfare units and employment tribunals. The judiciary took part in labour conciliation activities and workers were exempt from paying certain new legal fees. The Ministry of the Interior received workers' complaints through the police and had taken action to end the practice of withholding foreign nationals' passports. Workers who won their employment cases were awarded costs and expenses. He asked how many such cases had been registered in recent years and how the corresponding rulings were implemented. Could employers withhold the passports of foreign domestic workers?

18. Paragraphs 96 to 108 of the State party report contained detailed information on employment contracts, referring to a cap of 48 hours on the working week, the regular inspection of contracts and records of leave, rest periods, salary, time worked and sanctions for persons persistently violating workers' rights. There was also mention of self-inspection and a smart inspection system employing electronically stored data. However, information on measures to enforce legislation on the duration of working hours would be welcome. He asked whether inspections designed to detect trafficking in persons and other criminal activities were effective and whether the labour inspectorate was adequately staffed.

19. The report underlined the fact that migrant workers enjoyed good living conditions, with around two-thirds of private enterprises meeting the required standards, and sanctions being applied where necessary. The model village scheme referred to in the report could perhaps be extended to cover a greater number of foreign workers. Children of female nationals and male non-nationals had been granted the right to apply for nationality upon reaching the age of 18 years. Given that children were entitled to access to education, health and employment prior to that age, the national authorities might wish to consider further reforms to the laws on the granting of nationality to ensure complete equality. Information on the situation of the Bidoon (persons without nationality) and their right to free health care and education would be welcome. The State party might wish to consider encouraging private companies to pay employees with equivalent qualifications equal salaries, regardless of their country of origin. Education and awareness-raising campaigns could be launched to encourage employers to treat manual labourers with due respect. Pension schemes could be introduced to provide for employees who had worked in the State party for a significant period. The United Arab Emirates would benefit from the establishment of a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

20. The Committee would be grateful for additional information on complaints of racial discrimination, hate crimes and hate speech. An even more proactive approach to the protection of domestic workers and women employees from discrimination would lead to further improvements in that regard.

21. **The Chair** said that it was important to recall that the Committee wished to focus on the issue of racial discrimination in particular, rather than on women's rights in general. The State party might wish to make an optional declaration on individual complaints under article 14 of the Convention, as recommended in the Committee's 2009 concluding observations, and to ratify the amendments to article 8 (6) of the Convention, concerning the financing of the Committee. To date, the United Arab Emirates had not provided a core document.

The meeting was suspended at 4 p.m. and resumed at 4.15 p.m.

22. **Ms. Shepherd** said that, despite the express request made by the Committee in paragraph 15 of the list of themes, the State party report contained very little information on measures taken to protect domestic workers and to ensure that their rights under the Convention were guaranteed. She asked whether the State party had ratified any international conventions protecting the rights and freedoms of foreign nationals, such as the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, in keeping with article 5 of the Convention and Sustainable Development Goal 4. Clarification as to whether the national authorities had brought domestic regulations into line with and ratified the Domestic Workers Convention,

2011 (No. 189) of the International Labour Organization and on the provisions of the bill to regulate the employment of domestic workers and persons of equivalent status would be useful. The State party report did not contain any reference to specific mechanisms and provisions for the protection of foreign domestic workers' rights; nor was it clear whether that group was covered by the Labour Law. The bill to regulate the employment of domestic workers and persons of equivalent status had been welcomed by Human Rights Watch as a step forward. She asked whether the bill had been adopted, whether its text had been made available to the public, whether the protection it offered was in line with international human rights standards and whether its provisions were as strong as those of the Labour Law. Information on any enforcement mechanisms relating to the bill and on measures to close existing loopholes that might allow employers to bypass its provisions would be welcome.

23. Abuses of the sponsor system; the right to form trade unions; and issues around legitimate leave and claims of abscondment remained matters of concern to the Committee. There had been complaints from foreign domestic workers relating to wages, restriction of movement outside the workplace, working hours and physical and sexual assault. The Committee would be grateful for information on legal and practical obstacles preventing individuals from seeking redress for abuses, the inspection of recruitment agencies, conditions of deportation and the prevention of accusations of abscondment.

24. **Mr. Avtonomov** said that information on the exact number of the Bidoon living in the State party and on any measures taken to resolve the issues of their status and their limited access to public health care and education services would be useful. The rights of persons of Iranian or African origin and members of the Shia community were protected by the Constitution and by domestic law. He asked whether any programmes had been put in place to ensure that those groups enjoyed equal treatment at the grassroots level and whether any measures had been taken in connection with the International Decade for People of African Descent.

25. **Mr. Kut**, referring to paragraph 26 of the Committee's 2009 concluding observations, said that the State party had not provided information on its follow-up to the recommendations contained in paragraphs 14, 16 and 18 on, respectively, strengthening the protection of all foreign labourers, adopting legislation to protect the labour rights of domestic workers and improving the situation of the Bidoon. Such information was extremely valuable to the Committee and should be transmitted within one year of the adoption of the concluding observations. The Committee's 2017 concluding observations would include a number of paragraphs for follow-up within one year, and prompt reporting in that regard would be greatly appreciated.

26. **Mr. Yeung Sik Yuen** asked whether local courts had criminal jurisdiction and, if so, which criminal laws they were competent to apply. He had been surprised to learn that article 25 of the Constitution drew a distinction between "persons", who enjoyed equality before the law, and "citizens", who were protected against discrimination on the grounds of origin, place of residence, religious belief or social status. To draw such a distinction was erroneous, as all persons, both citizens and non-citizens, should enjoy equality before the law and protection against discrimination on an equal footing.

27. He also found it highly irregular that complaints from prisoners were submitted to the Public Prosecution Office, a part of the State machinery, and not to an independent body. Noting that independent experts in the field of penal institutions had confirmed that the State party's penal and correctional institutions operated in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners, he said that it would be useful to know on what basis they had drawn that conclusion, given the existence of evidence refuting that assertion.

28. While he welcomed the adoption of Decree-Law No. 2 of 2015 on combating discrimination and hatred, he found it strange that it prescribed only minimum and not maximum sentences for those offences. He asked whether the maximum sentences that could be imposed on perpetrators of those offences were set out in the Federal Criminal Code or another piece of criminal legislation and, if so, what they entailed and whether the State party had considered incorporating them into the aforementioned Decree-Law.

29. **Ms. Hohoueto** said that the delegation should clarify whether citizenship equated to nationality in the United Arab Emirates.

30. **Mr. Khalaf**, noting that the Convention had been automatically domesticated upon ratification and had the force of law in the State party, asked what position it occupied in the State party's legal hierarchy and whether it prevailed over domestic legislation in case of conflict. He also wished to know how the Federal Government ensured the compliance of the different Emirates with the international treaties that it ratified. It would be helpful to receive information on cases in which the local courts had applied or invoked the provisions of the Convention. Lastly, he asked whether the State party had any plans to ratify either the International Covenant on Economic, Social and Cultural Rights or the International Covenant on Civil and Political Rights in the near future.

31. The Committee had been given to understand that female domestic workers were not entitled to the compulsory rest periods provided for in the amended Federal Entry and Residency of Aliens Act No. 6 of 1973. He asked whether that was indeed the case, how long a compulsory rest period lasted and how the State party ensured observance of rest periods in practice. He would also like to know how the State party went about implementing and enforcing legislative reforms in the employment sector, particularly those affecting migrant workers.

32. **Ms. Mohamed** asked whether the recently developed electronic system for managing employment offers for domestic workers included a database in which the terms and conditions of employment contracts were recorded and could be easily accessed. She would appreciate more information on the visits conducted by the Emirati labour inspectorate to raise awareness of the need for employers to comply with labour legislation and to respect the conditions under which migrant workers were employed, and on the nature and frequency of the inspections conducted in that connection. Lastly, she asked whether non-citizens earned the same wages as Emirati citizens performing the same work.

33. **Mr. Calí Tzay** asked why female domestic workers had been excluded from the scope of Ministerial Decision No. 467 of 2015 concerning the model contract of employment for migrant workers approved by the Ministry of Labour.

34. **Ms. Shepherd** said that the State party was to be commended on the steps that it had taken to strengthen its legal framework for education, to make the country an international centre for higher education, to ensure gender equality in access to education and to disseminate a human rights culture throughout the education system. However, the Committee remained concerned that, to date, education had not been fully enshrined as a human right in the Constitution. It urged the State party to remedy that situation without delay so as to provide an enabling legal environment for the achievement of Sustainable Development Goal 4 on ensuring inclusive and quality education for all and promoting lifelong learning.

35. She asked whether the State party intended to become a party to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education; how it had used education as a tool to eliminate racial discrimination and to promote multiculturalism, peace and harmony in Emirati society; how it had overcome the cultural obstacles that might impede progress in that area; and whether its efforts had been successful. The Committee would also welcome sex-disaggregated data on enrolment rates at the lower-secondary level. She hoped that the various plans and strategies adopted to improve educational outcomes would bear fruit. Lastly, she requested additional information on the training on the Convention provided to judges, police officers, teachers and public servants and how the impact of that training was measured.

36. **The Chair** asked whether such training was mandatory and whether it constituted a prerequisite for promotion.

37. **Mr. Bossuyt** said he had been struck by the fact that foreign nationals made up the majority of the population of the United Arab Emirates, vastly outnumbering Emirati citizens. He asked whether migrant workers had the right to family reunification. He would also like to receive statistical information on the number of persons found guilty of blasphemy and/or defamation under Decree-Law No. 2 of 2015, as that would enable the

Committee to verify that those persons did not belong to a single religion. The delegation might also indicate the number of cases in which the death penalty had been handed down in recent years and in which it had actually been carried out. Although the number of persons on the electoral college lists for the elections to the Federal National Council had increased significantly in recent years, that number still appeared small given that the State party had a population of some 9 million. He wondered whether that disparity might be attributable to inequality and discrimination. He asked whether all the foreign nationals residing in the United Arab Emirates were migrant workers. Was there any unemployment among migrant workers and, if so, were they entitled to unemployment benefits on an equal footing with Emirati citizens? In view of the large number of migrant workers engaging in domestic service in the country, the Committee urged the State party to consider becoming a party to the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

38. **Mr. Murillo Martínez** said that the State party had already made a significant contribution to international development initiatives and that the Committee fully expected it to participate in the International Decade for People of African Descent. Persons of African descent and indigenous peoples had a strategic role to play in efforts to achieve global environmental sustainability and to tackle climate change. Action should be taken to guarantee those peoples an adequate standard of living so that they were better placed to pursue global interests. Given the substantial means at its disposal, might the State party consider making the improvement of the situation of persons of African descent the objective of an international development project? It would also be helpful to know how the State party went about measuring the prevalence of racial discrimination in Emirati society. Had it considered inviting foreign nationals to participate in periodic surveys in which they could share their experiences of racism, discrimination, xenophobia and related forms of intolerance?

39. **Mr. Khalaf** said that it would be helpful if the State party could provide a separate common core document: parts of its report contained information of the kind usually included in such a document. Perhaps the delegation could indicate what efforts had been made to facilitate the participation of civil society in the preparation of the report, which civil society organizations had participated in that process and what the nature of their participation had been.

40. It was unclear whether it was possible for stateless persons to acquire Emirati nationality and, if it was possible, how they were able to do so. The State party was to be commended for its efforts to ensure that migrant workers were informed of their rights and obligations. However, the model employment contract, currently drafted in English and Arabic, should be made available in the languages of migrant workers.

41. Lastly, he wished to know whether the effectiveness of the various initiatives mentioned in the head of delegation's opening statement, including the national strategy to combat trafficking in persons and the national tolerance programme, had been evaluated and, if so, what the outcomes of those evaluations had been, as they could be used as a blueprint for other countries in the region.

42. **The Chair** said that it would be useful to learn whether organizations representing migrant workers and domestic workers had been involved in the preparation of the State party report.

43. **Mr. Calí Tzay** said that, in the light of the Committee's general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, he wished to know whether any complaints of racial discrimination or racism in the court system had been received. In that connection, it should be noted that, just as the receipt of such complaints did not necessarily indicate the existence of a widespread problem, the absence of such complaints did not necessarily indicate its non-existence. In addition, he would appreciate information on the composition of the prison population and on the conditions in the detention centre for persons in an irregular situation, including non-citizens, migrant workers, domestic workers, unaccompanied children, women and victims of trafficking.

44. **Ms. Mohamed** said that she wished to know whether persons who had resided in the United Arab Emirates for more than 20 years could apply for nationality and whether the relevant legislation contained provisions relating to such persons. In addition, it would be helpful if the delegation could indicate whether education was compulsory in the State party and, if it was, at which ages it was compulsory and whether children attended courses on combating hatred, in particular during their early years at school.

45. **Ms. Hohoueto** said that religion seemed to be the focus of Decree-Law No. 2 of 2015, on combating discrimination and hatred. However, the Committee tended to give consideration to religious affiliation only insofar as it intersected with race. The Committee recommended that States parties should adopt legislation to incorporate the exact wording of the definition of racial discrimination in article 1 of the Convention into domestic law. She would be grateful for more information on the position of women in society and wished to know whether women and men had equal access to justice. In that regard, it was noteworthy that some of the informational materials provided by the delegation contained few photographs of women.

46. **Mr. Avtonomov** said that, with regard to migrant workers in an irregular situation, it was unclear whether there was a separation of powers between police investigators and labour inspectors and what efforts had been made to regularize the situation of migrant workers.

47. **Mr. Kut** asked what measures had been taken to ensure the full implementation of the Convention across the State party's constituent Emirates.

48. **Mr. Kemal** said that Decree-Law No. 2 of 2015 dealt with the issue of racial discrimination, but the delegation might wish to comment on the possibility of enacting separate legislation to set out a definition of racial discrimination.

49. **Mr. Alawadi** (United Arab Emirates) said that many of the Committee's questions seemed to fall beyond the scope of the Convention. With regard to the questions concerning the rights of migrant workers in particular, it should be noted that employers in the United Arab Emirates respected the terms set out in employment contracts and that workers could refuse to sign a contract if they rejected its terms.

50. The United Arab Emirates was a federal State. The Constitution of the United Arab Emirates took precedence over federal laws, which in turn took precedence over local laws. Both federal and local courts were required to respect and to implement federal laws, and federal courts applied federal law and the Constitution.

51. Pursuant to article 60 of the Constitution, the Cabinet issued decrees to implement international conventions, and they subsequently became binding on all the constituent Emirates. Some international conventions could be invoked directly, whereas others, including the Convention, could not. The United Arab Emirates had promulgated a number of laws to give effect to the rights enshrined in the Convention, including Decree-Law No. 2 of 2015. In response to the threat of extremism, the United Arab Emirates had taken a series of additional measures to preserve public order and security and to protect society.

52. **The Chair** said that the Committee's focus was the protection of human rights, in particular those enshrined in the Convention. All the questions posed by Committee members at the current meeting were either explicitly or implicitly related to the specific rights enshrined in the Convention. While some States parties had concerns regarding public order, security and the protection of society, the Committee was responsible for ensuring that any measures that they took remained compliant with the Convention.

The meeting rose at 5.45 p.m.