



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Seventy-fifth session
3 – 28 August 2009

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

UNITED ARAB EMIRATES

1. The Committee considered the twelfth to seventeenth periodic reports of the United Arab Emirates (CERD/C/ARE/12-17), submitted in one document, at its 1936th and 1937th meetings (CERD/C/SR.1936 and CERD/C/SR.1937), held on 4 and 5 August 2009. At its 1957th meeting (CERD/C/SR.1957), held on 18 August 2009, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's report, which has been prepared in conformity with the reporting guidelines, and its written replies to the list of issues (CERD/C/ARE/Q/17) as well as for the supplementary information and further clarifications given in response to the questions posed orally by the Committee members.

3. The Committee welcomes the high-level delegation from the State party and appreciates that the delegation replied frankly and constructively to the questions and comments raised by Committee members.

4. The Committee takes note of the fact that the State party's nationals are a numerical minority in their own country, 825,495 of the total population of 4,106,427 and that the foreign population comprises approximately 85 per cent of its labour force creating a unique and challenging environment for the State party.

B. POSITIVE ASPECTS

5. The Committee welcomes the initiative of the State party in renewing its dialogue with the Committee and its revived dedication and support to international organizations and bodies.

6. The Committee also welcomes the information from the State party on the upcoming visit of the Special Rapporteur on contemporary forms of racism, racial discrimination and related intolerance.

7. The Committee notes with satisfaction that, as stated in its written replies and oral presentation, the Convention has force of law within the State party thus allowing it to be invoked before the courts of the State party directly in the same way as national law.

8. The Committee welcomes the conclusion by the State party of memoranda of understanding with several States concerning the recruitment of their nationals as contract workers for work in the United Arab Emirates, in order to regularize the process for workers' entry into the State party so as to familiarize these persons with their rights and obligations under their employment contract.

9. The Committee notes with appreciation the adoption of Federal Act No. 51 of 2006, which aims to combat human trafficking offences and all forms of exploitation, particularly of women and children, and the establishment by this Act of a National Committee on Human Trafficking.

C. CONCERNS AND RECOMMENDATIONS

10. While taking note of the information provided by the State party on the geographical and gender distribution of the population residing in the State party as well as the total number of citizens and non-citizens, the Committee is concerned at the lack of statistical data in the report of the State party on the ethnic composition of the population and the socio-economic situation of the different groups.

In accordance with paragraphs 10 to 12 of its revised reporting guidelines (CERD/C/2007/1), the Committee recommends that the State party provide information on the composition of its population, disaggregated by national, non-national and ethnic origin, as well as statistical data on the socio-economic situation of the different groups, in order to be able to evaluate their situation in the economic, social and cultural fields and the level of protection of their rights.

11. The Committee takes note of the fact that the State party's Constitution is founded on a principle of social justice and protects a range of fundamental rights. The Committee is

concerned, however, that some of the fundamental rights may not apply to non-citizens on its territory.

The Committee recommends that the State party ensure equality between citizens and non-citizens in the enjoyment of fundamental rights to the extent recognized under international law.

12. The Committee takes note of information provided by the State party on existing legislation prohibiting discrimination and its statement that the people of the State party practice tolerance and condemn all manifestations of discrimination. The Committee, however, is concerned that the legislation primarily addresses religious discrimination and does not mention racial discrimination, especially discrimination based on national origin.

The Committee believes that racial discrimination or the potential for racial discrimination exists in all societies. The Committee therefore recommends that the State Party enact legislation specifically prohibiting racial discrimination or amend the existing laws, in order to be in full compliance with the Convention (article 2).

13. The Committee notes the lack of national legislative provisions fulfilling the requirements of article 4 of the Convention, which requires States parties to penalize the dissemination of ideas based on racial superiority and hatred, the incitement to racial hatred, the acts of violence against any race or groups of persons of another colour or ethnic origin, and incitement to such acts.

The Committee draws attention to its general recommendations 1 (1972), 7 (1985) and 15 (1993) according to which the obligations of article 4 are of mandatory character and emphasizes the preventive value of legislation expressly prohibiting incitement of racial discrimination and racist propaganda. The Committee recommends that that the State party include provisions reflecting the requirements of article 4 in its national legislation (article 4).

14. While noting the information provided by the State party in its report, in the written replies and the explanations orally given on efforts to improve the living and working conditions of non-citizens contract workers, the Committee remains concerned at conflicting reports from other sources that sub-standard conditions remain.

With reference to its general recommendation 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:

(a) Continue to strengthen the protection of all foreign labourers through adequate legislation and policies aimed at curbing abuses, such as the withholding of passports by employers, extended non-payment of wages, arbitrary deductions of wages, non-payment of overtime and working hours;

(b) Ensure implementation of existing laws and enhance monitoring mechanisms, such as labour inspections, with regard to payment of wages, medical care, housing and other living and working conditions of foreign workers;

(c) Reinforce the effectiveness of complaint mechanisms and facilitate access to them by foreign workers;

(d) Provide additional statistical data, in the next report, on the number of inspections carried out, complaints lodged, investigations, judgements and information on compensation granted, if any (article 5 (e),(i),(iii), (iv), article 6).

15. The Committee notes and welcomes the information provided by the State party on its efforts to improve and regulate the sponsorship system, such as the inclusion of article 18 in the Labour law, which regulates relations between agencies, employers and workers, including foreign workers. However, the Committee remains concerned at allegations concerning persisting abuses of this system by employers despite the efforts of the State party.

The Committee recommends that the State party intensify its efforts to protect the rights of the persons recruited under the sponsor system by: (a) strengthening legislation and policies as needed; (b) strengthening enforcement of the relevant regulations and monitoring foreign workers living and working conditions; and (c) improving the effectiveness and transparency of existing complaint mechanisms. The Committee further encourages the State party to continue its cooperation with the International Labour Organization aimed in regulating the recruitment and working conditions of foreign workers (article 5 (d)(i), (e)(i) and article 6).

16. The Committee notes the information from the State party in its report and the written replies on the continuous efforts to improve the situation of domestic foreign workers, particularly by introducing, in 2007, a standard employment contract for domestic workers, which lays down some rights they are entitled to, in terms of wages, rest breaks, payment of salaries, medical treatment. The Committee also notes that the State party is currently preparing draft legislation which will regulate in a more detailed manner the working conditions of certain categories of foreign workers, including domestic workers, and provide for a complaint mechanism. However, the Committee is concerned that domestic workers are not included in the protection afforded by the Labour Law and continue to face violations of their rights.

The Committee recommends that the State party continue its efforts by finalizing and promulgating legislation to protect the labour rights of domestic workers, to prevent abuses and to enable domestic workers to easily file complaints in the case of such abuses (article 5 and 6).

17. The Committee, noting the information provided by the State party concerning the acquisition of nationality under national legislation and the information that the acquisition process is currently under study and review, is nevertheless concerned that currently children of Emirati women married to a foreign national do not receive citizenship under any circumstances.

Reaffirming section 16 of its general recommendation 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party consider modifying its legislation in order to allow children of Emirati women to receive citizenship in conformity with the provisions of non-discrimination stipulated in article 5 (d) (iii) of the Convention.

18. While welcoming the efforts made by the State party to regularize the situation of the “*Bidoun*”, unregistered residents, including through the creation of a Committee to deal with the question of undocumented persons and the granting of residence permits, in addition to the granting of nationality to over 1,200 “*Bidoun*”, the Committee remains concerned at the legal situation of some “*Bidoun*”, notably regarding their status as stateless persons and at allegations of discrimination they face on the labour market.

The Committee recommends that the State party: (a) continue its efforts to verify the nationality of the “*Bidoun*” without discrimination and grant nationality as appropriate; and (b) take appropriate measures to ensure their equal access to the labour market (article 5 (d) (iii) and (e)(i)).

19. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

20. The Committee recommends that the State party take into account the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. 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.

21. The Committee recommends that the State party continue consulting and expanding its dialogue with civil society organizations working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

22. The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention.

23. The Committee recommends that the State party ratify the amendments to article 8, paragraph 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 of 16 December 1992. In this connection, the Committee cites General Assembly resolution 61/148, in which it strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

24. 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 observations of the

Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

25. Noting that the State party has not submitted its core document, the Committee encourages the State party to submit it in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth Inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.4).

26. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 14, 16 and 18 above.

27. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 10, 12 and 13 and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

28. The Committee recommends that the State party submit its eighteenth to twentieth periodic reports in a single document, due on 20 July 2013, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.

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