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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-fifth session

SUMMARY RECORD OF THE 1936th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 4 August 2009, at 3 p.m.

Chairperson: Ms. DAH

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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)

Twelfth to seventeenth reports of the United Arab Emirates (CERD/C/ARE/12-17; CERD/C/ARE/Q/17)

1. At the invitation of the Chairperson, the members of the delegation of the United Arab Emirates took places at the Committee table.
2. Mr. ALAWADI (United Arab Emirates) said that his country's periodic report (CERD/C/ARE/12-17) had been prepared by a committee chaired by the Ministry of Foreign Affairs and composed of representatives of governmental and local institutions and public utilities.
3. Since its establishment in 1971, the United Arab Emirates had given priority to ensuring respect for human rights, enshrining them in its Constitution and domestic legislation. Since acceding to the Convention in 1974, it had taken energetic action to comply with its provisions and had spoken out against racial discrimination in international and regional forums, emphasizing the right of all to non-discrimination on grounds of race, sex, colour, descent or national or ethnic origin. It had also acceded to other treaties such as the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities.
4. Once a ratification decree was issued and a treaty was published in the Official Journal, it acquired the status of domestic law and the Cabinet and competent individual ministers oversaw the implementation of its provisions. The Federal Supreme Court had confirmed that principle and ruled that international treaties could be invoked in domestic courts.
5. The Constitution guaranteed equality and social justice, freedom of expression, press freedom, freedom of assembly and religious freedom, and prohibited torture and arbitrary arrest and detention. Those provisions were consistent with the principles of the Islamic faith, which was one of the pillars of society in the United Arab Emirates. The approach adopted by the State was based on a sound combination of local and universally recognized customs and values.
6. His country's efforts to eliminate all forms of racial discrimination focused on the following areas: political participation, justice, religious freedom, the advancement of women, health care, social welfare, education, employment and human trafficking.
7. With regard to political participation, the Federal National Council represented all the country's inhabitants. Decision No. 4 of 2006 adopted by the Federal Supreme Council had introduced a new form of political participation, whereby half of the members of the Federal National Council were elected directly by an electoral college. A National Commission had been set up to run the elections. The new and unique electoral project had been put to the test in December 2006, when Federal National Council members had been elected by colleges composed of 6,688 persons, including 1,189 women.

8. The Constitution guaranteed the right of all persons without discrimination to litigate and to file complaints. They were protected against violations of their physical or mental integrity and had unrestricted access to the courts and the police. Traditional remedies had been supplemented by new avenues of recourse. The law also guaranteed the right to appeal against judgements, to appoint a lawyer during an investigation and at all levels of judicial proceedings, and to seek legal aid where necessary.

9. The United Arab Emirates was a multicultural society and every effort was being made to ensure social cohesion, particularly by guaranteeing religious freedom under article 32 of the Constitution. The Government had made land available for the construction of places of religious worship, and there were now 59 churches and Hindu temples in the country.

10. Contrary to some false stereotypes, women in the Emirates occupied high office in both the public and private sector and played a prominent role in society. The State had encouraged women to use their skills in all areas, and statistics showed that females accounted for half of the students registered at more than 1,259 schools throughout the country and for 75 per cent of students at the United Arab Emirates University, and that three out of every five students in the higher education system were women. Women accounted for around 30 per cent of the national workforce, occupying posts in all branches of the civil service as well as traditional posts in the areas of education and health care. They also offered valuable assistance to the various branches of the armed forces and the police, and formed part of the diplomatic corps, including at ambassadorial level. Women had been appointed to high office in the judiciary and in the Public Prosecutor's Office. Nine women had been appointed and one elected to the Federal National Council; women now accounted for 22.5 per cent of Council members. Moreover, there were four women ministers in the present Government.

11. The United Arab Emirates had invested heavily in education, building schools, universities and vocational education centres in order to raise educational standards and to eradicate illiteracy. Two literacy plans had been adopted, one for children and the other for adults, who were encouraged to attend evening literacy classes. The number of students had increased from 52,751 in 1975 to 658,814 in the 2005/06 academic year. There were a large number of public and private universities, with university cities in Abu Dhabi, Dubai and Al-Shariqah comprising international universities and private schools.

12. The Ministry of Education and the Ministry of Higher Education had incorporated subjects in the curricula dealing with the rights of the child, women's rights, the elimination of racial discrimination and the Universal Declaration of Human Rights, thereby seeking to promote religious and racial tolerance, and to ensure that the participation of all citizens and residents in schools and universities created a climate of understanding and solidarity among social groups. The State also offered its citizens financial assistance to attend higher education institutions abroad.

13. The Constitution guaranteed universal access to health care, and the State had also facilitated access to preventive care and protection against disease and epidemics. Public hospitals, clinics and health-care centres throughout the country provided services to citizens and other residents without discrimination. The State had also successfully encouraged the private sector to become involved in health care.

14. In the area of social welfare, the United Arab Emirates pursued a number of strategies that had been designed with the assistance of United Nations experts to ensure that all citizens and residents could live a decent life. They focused on family welfare, protection of children and orphans, care and rehabilitation for people with disabilities, and monthly financial assistance for the needy.

15. A large proportion of the workforce in the United Arab Emirates consisted of foreign workers attracted by the employment opportunities and tolerant social environment. The country now hosted foreign nationals from over 200 countries. Such diversity naturally caused certain difficulties, but the country was engaged in an ongoing process of modernization of the relevant rules and regulations. Respect for workers' rights was a moral, cultural and economic imperative. In recent years the central Government and the local governments in each Emirate had launched major reforms to improve working conditions and workers' rights. They were committed to treating all foreign workers with decency and respect and without discrimination. Labour legislation guaranteed equality, regardless of nationality, religion or political persuasion. There were strict provisions regarding wages and salaries, the amount of which had to be mentioned in the labour contract. Working hours and holidays were regulated in accordance with international norms, and employers were required to protect their employees from occupational accidents and illnesses and to ensure that they had access to medical care in the event of an accident or illness. They were also required to provide decent housing for their staff. Inspectors from the Ministry of Labour had conducted 13,422 visits in 2008 to oversee compliance with occupational health and safety norms and to inspect staff housing. The Cabinet had recently issued a decision containing guidance with respect to compliance with the standards, which would enter into force in September 2009. The State had also established administrative and judicial machinery to deal with employment disputes.

16. The United Arab Emirates had signed bilateral memoranda of understanding with countries whose nationals it employed, such as India, Pakistan, China, the Philippines, Sri Lanka and Indonesia, with a view to protecting their rights, organizing their entry into the country, and drawing their attention to the legal system and their rights and duties under the employment contract.

17. Special attention had been given to domestic employment. In April 2007 the State had introduced a standard employment contract for persons in domestic employment. It regulated the kind of work to be performed and covered various aspects of employment such as wages, the duration of the contract, rest periods, medical treatment and health care. A bill was currently being drafted under which the situation of support workers, a category that included domestic workers, was regulated. It covered all rights and duties of the parties to such contracts, including the filing of complaints, litigation, working hours, rest periods and wages.

18. The United Arab Emirates had enacted Federal Law No. 51 of 2006 concerning action against human trafficking pursuant to its international obligations under the United Nations Convention against Transnational Organized Crime. The maximum penalty under the Act was life imprisonment. A National Committee to Combat Human Trafficking had been established in 2007. It was composed of representatives of relevant ministries and of State and civil society institutions. Refuges enjoying financial and administrative independence had been set up to provide legal, psychological, medical, educational and occupational assistance to child and

women victims of trafficking. They were offered support during the police investigations and before the courts and in arranging their safe return to their home countries. The main refuges were the Centre for Women and Child Victims of Human Trafficking in Abu Dhabi and the Dubai Benevolent Institution for Women and Children. The United Arab Emirates had deposited its instrument of accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in February 2009 and looked forward to the visit by the Special Rapporteur on the sale of children, child prostitution and child pornography which was scheduled to take place in October 2009.

19. While the United Arab Emirates had made considerable progress towards eliminating all forms of discrimination within a short period, it was aware that a great deal remained to be done, and was determined to do its utmost to become a model country in terms of respect for human rights and compliance with the principle of non-discrimination. It therefore welcomed the planned visit by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in October 2009.

20. Mr. PROSPER (Country Rapporteur) welcomed the large, diverse and senior delegation from the United Arab Emirates and the comprehensive report that had been submitted. Clearly, the United Arab Emirates was a vibrant and successful country, blending traditional values with a forward-looking approach to globalization. One of its founding principles, social justice, seemed to permeate every aspect of the country's institutions. The Emirates were working closely with a number of United Nations organizations, such as the United Nations Children's Fund, and had taken commendable action in areas such as combating HIV/AIDS and human trafficking.

21. He asked to what extent constitutional provisions, which granted citizens access to a wide range of rights, also applied to non-citizens. Giving a brief overview of the system of government operating in the United Arab Emirates, he emphasized the challenges arising from a situation where only one fifth of a population of over 4 million inhabitants were citizens. Given that a significant proportion of the population was foreign-born, it was important to ensure that the principle of equality and protection against discrimination encompassed all residents. The Committee would welcome additional statistical data on the ethnic composition of the State party's population, both national and non-national.

22. As migrant workers comprised nearly 90 per cent of the workforce in the private sector, their contribution to the economic performance of the State party was undeniable. It was thus disconcerting to learn of various abuses suffered by those migrants, which suggested that access to fundamental rights was not always guaranteed. According to a letter sent by the Special Rapporteur on the human rights of migrants in April 2006, migrant workers were often victims of abusive work and living conditions, including extended non-payment of wages, denial of proper medical care and squalid living conditions. In addition, the so-called "sponsorship" system reportedly rendered workers vulnerable to abuse as their permits were linked to one employer and they could not, generally, change jobs. The Government, while not necessarily directly responsible, had the duty to review the situation of migrant workers and take measures to prevent and correct any shortcomings. He asked the delegation to comment.

23. The United Arab Emirates had made great strides towards the promotion and protection of human rights in recent years and some of the complaints might no longer apply, or be a matter of perception. However, the delegation should use its dialogue with the Committee as an opportunity to exchange views and identify ways to improve the image and, more importantly, the reality of migrants living in the State party. Important and progressive legislation had been passed, but enforcement-related difficulties persisted. In that connection, he asked whether the Ministry of Labour was competent to take action against employers who violated labour legislation.

24. Referring back to the founding principle of social justice, he said that the State party had enjoyed great prosperity and, consequently, had the financial means to address the issues he had mentioned. Ways must be found to extend social justice to migrant workers and grant access to fundamental rights and protection from discrimination to all residents.

25. Mr. AVTONOMOV welcomed the resumption of the dialogue with the State party after many years of silence. He said that he was pleased to note the ethnic and gender diversity of the delegation and commended the State party for its adoption of progressive legislation and the ratification of important international and regional human rights instruments. Given the large number of migrant workers living in the United Arab Emirates, the ratification of relevant instruments such as the International Labour Organization (ILO) Convention concerning Discrimination in respect of Employment and Occupation (No. 111) and the Arab Convention Project on work of minors of the Arab Labour Organization was an important step. He requested information on discrimination in the workplace.

26. He enquired whether the State party intended to ratify the amendment to article 8, paragraph 6, of the Convention. Drawing attention to paragraph 72 of the report, he said that he was somewhat uncomfortable with the assertion that there was no discrimination and thus no need to enact legislation to deal with violations of the Convention. Socially ingrained discrimination often went unnoticed and, without relevant legislation, there was no remedy.

27. Mr. DIACONU welcomed the progress made by the State party in the areas of women's empowerment, anti-trafficking and child protection. The United Arab Emirates was among the few countries that included foreigners in their population statistics and he would welcome additional socio-economic data on migrant workers, including as they related to income levels, access to health care and social security benefits and employment status.

28. Turning to the general legal framework for the protection of human rights, he noted that the Constitution made a distinction between citizens and non-citizens in respect of certain rights. Referring to paragraph 53 of the report, he pointed out that, while all persons were considered equal before the law (art. 25), the prohibition of discrimination on the basis of origin, ethnicity, religious belief or social status appeared to apply to citizens only. Similarly, only citizens seemed to be guaranteed personal freedom and protection from arbitrary arrest and torture (art. 26) or freedom of movement (art. 29). Those fundamental rights and freedoms must be guaranteed to all persons, as provided in article 40 of the Constitution, which stated that foreigners enjoyed the rights and freedoms recognized in the applicable international covenants, treaties and conventions to which the Federation was a party.

29. He noted that the United Arab Emirates had not passed any legislation in implementation of article 4 of the Convention, which imposed a clear obligation on States parties to declare the offences listed punishable by law. Honouring those obligations was crucial.
30. He requested clarification on legislation governing the acquisition of citizenship. It seemed somewhat unusual that foreigners who had been living and working in the country for many years had not acquired citizenship. Referring to paragraph 97 of the report, he asked whether female citizens married to a foreign man could now pass on their nationality to their children.
31. Given the large proportion of migrant workers, existing legislation prohibiting discrimination in employment was too weak. Although the State party's ratification of the Arab Charter on Human Rights was praiseworthy, critics had pointed out that the Charter was inconsistent with other international instruments with regard to the rights of foreigners and he asked the delegation to comment. He also wished to learn of the State party's position vis-à-vis the Charter adopted by the Organization of the Islamic Conference (OIC) in March 2008.
32. Mr. LAHIRI expressed concern over persistent reports of human rights violations against migrant workers in the United Arab Emirates, including substandard housing, fear of harassment when a complaint was made, summary deportation of workers in the event of a dispute, retention of passports and recruitment agencies that often charged high placement fees, which resulted in situations described as equivalent to debt bondage. It appeared foreign domestic workers were affected disproportionately by such violations.
33. He was pleased to learn that the State party had established a more transparent complaints procedure, set up a multilingual free hotline enabling workers to complain of delays in payment, and established a salary protection office. He asked whether such protection applied only to migrant workers from India and the Philippines, who were covered by tripartite agreements, or to all foreign workers.
34. The State party had affirmed that abuses such as retention of passports and non-payment of wages were prohibited by law. However, at present the onus to obtain redress rested with the claimant, and the United Arab Emirates might wish to set up a system to prosecute and punish employers infringing the law.
35. Mr. PETER observed that the United Arab Emirates had yet to adopt and ratify many important international instruments. Of particular relevance, bearing in mind its demographic situation, was its non-ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He asked whether the Government envisaged ratifying that Convention and other instruments, including the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169).
36. Referring to the procedure for granting nationality to stateless residents, he expressed the view that the Bedouin, as the apparent indigenous inhabitants of the State party's territory, should have been recognized as such in the Constitution, rather than being given nationality, which, as a right granted, could potentially be revoked. He invited the delegation's comments in that regard.

37. He asked why domestic workers in the State party, who frequently found themselves in vulnerable situations or subjected to abuses of various kinds, were excluded from protection under existing and proposed labour legislation. The question related to the wider issue of equality before the law in the United Arab Emirates. The Constitution, which referred to equality before the law between the country's citizens, gave rise to the concern of whether that equality also applied to non-citizens, who in fact formed the majority of the population. Other constitutional and legal rights were subject to similar limitations, and he asked whether the State party intended to review its Constitution and laws to bring them more fully into line with current international standards in the area of human rights.

38. Mr. de GOUTTES requested further information on the difficult situation faced by domestic migrant workers and any measures being taken to protect their labour rights. Welcoming the agreements signed with India and the Philippines on pilot programmes for contractual labour, he asked whether such schemes would be extended to cover citizens of other countries. He also asked for updates on the office established to promote tripartite social dialogue and the bill, drafted with assistance from the International Labour Office, to regulate employment agencies. He requested further information on steps being taken to eliminate discrimination against Bedouin and their descendants in the labour market.

39. With regard to the criminalization of racial discrimination and application of article 4 of the Convention, he stressed the need to translate the Convention fully into State party legislation, regardless of whether prevailing social and religious customs implied adherence to its provisions. Drawing attention to the lack of statistics provided on the number of complaints of and convictions for racial discrimination, he enquired about the role of the national human rights institution in following up complaints and asked whether the United Arab Emirates planned to create an independent human rights body, in accordance with the Principles relating to the Status of National Institutions (The Paris Principles).

40. Mr. THORNBERRY, expressing the hope that certain areas of the State party's report would be further elaborated, echoed the concern that, although foreign citizens in the United Arab Emirates enjoyed the rights arising from international instruments that the country had ratified, there were relatively few such instruments and the rights of foreign citizens were consequently limited. The basis of human rights philosophy was that human rights applied in principle to all; the notion of human rights was broader than that of citizens' rights. Even so, it was principally in the area of political rights that a degree of distinction could be drawn between citizens and non-citizens of a country. The limiting provisions of article 1, paragraphs 2 and 3, of the Convention were qualified by article 3, and the Committee had increasingly tended towards narrowing the range of that exception and broadening the prohibition of discrimination, in line with current international standards, given the need to interpret the Convention in a progressive manner and in relation to contemporary circumstances. General recommendations XI and XXX referred to the extension of the protection offered by the Convention to non-citizens.

41. Although there was a degree of overlap between certain articles of the Convention, some of the issues covered in the State party's report, for example hate speech, could have been better addressed under other sections. In addition, some parts of the report, for instance on article 4 of the Convention, did not provide complete responses. Regarding article 3 of the Convention, concerning segregation, he observed that the State party's society appeared stratified, with an

element of separation between citizens and different groups of migrant workers. In that regard, he recalled the Committee's view, expressed in general recommendation XIX, that a condition of racial segregation could arise without any initiative or direct involvement by the public authorities, and its invitation to States parties to monitor all trends which could give rise to racial segregation, to work for the eradication of any negative consequences that ensued, and to describe any such action in their periodic reports. Given the importance the Committee attached to education as a key factor in overcoming racism and racial discrimination, the State party's report should have included more information on such issues, particularly with reference to article 5 of the Convention.

42. He enquired about the status and operating conditions of NGOs in the United Arab Emirates and whether they had contributed to the preparation of its report. He also asked whether progress had been made towards establishing an independent human rights body and whether assistance had been requested in that regard from the Office of the United Nations High Commissioner for Human Rights. Referring to an ILO report concerning implementation of its Convention No. 111, which the State party had ratified, he asked whether there were still plans to introduce a general prohibition on discrimination into the Federal Law No. 8 of 1980 regulating labour relations. He also requested further information on trade unions in the United Arab Emirates. Lastly, he stressed the need for accurate statistics, prepared with due regard for confidentiality, as a measure to assist States parties in complying with the Convention.

43. Mr. LINDGREN ALVES noted the importance that the State party attached to the consideration of its periodic report, as demonstrated by the large delegation. He welcomed the inclusion of a number of female delegates, and the impressive information the delegation had provided on the position women played in United Arab Emirates society. He asked whether there were female soldiers in the armed forces.

44. It was regrettable that the report did not contain more specific information on efforts to eliminate racial discrimination. While the country appeared to be flourishing in general, the Committee never accepted the contention that a State was completely free of racial discrimination. Given the high percentage of foreigners living in the United Arab Emirates, it was difficult to believe that there were no cases of racial discrimination.

45. He echoed his colleagues' comments on the obligation under the Convention to adopt legislation prohibiting and punishing racial discrimination, including declaring all dissemination of ideas based on racial superiority or hatred an offence punishable by law, in accordance with article 4. Given that the periodic report comprised twelfth to seventeenth reports, it was surely not the first time a delegation from the State party had heard that message. The explicit statement in paragraph 72 of the periodic report that there was no need to enact legislation to deal with any violations of the Convention raised the question of why the State had become a party to the Convention.

46. In the light of the information that there were now two Hindu temples in the United Arab Emirates, he commended the religious freedom apparently granted to more than the three so-called "revealed religions".

47. Mr. AMIR commended the United Arab Emirates on the multicultural democracy it had established and the opportunities it offered to millions of foreign families for economic

development. Particularly during the current financial and economic crisis, it was impressive that workers who lost their jobs and means of survival in other countries could be employed in the State party. While there were doubtless cases of inequalities among foreign workers, it was by no means alone in that regard.

48. Mr. KEMAL commended the State party for having created a haven of safety and prosperity in a troubled region. While the risk of exploitation of foreign workers existed worldwide, the Government had clearly taken steps to mitigate the hardships faced by victims of such exploitation. The United Arab Emirates had adopted an impressive amount of legislation providing protection for workers, including migrant workers, and should now ensure it was properly implemented. The country was playing an important role in stabilizing the global economy, particularly in the current financial and economic crisis.

49. He echoed the comments made by other Committee members on the need to adopt specific legislation prohibiting racial discrimination. The experience of other States showed that enacting such legislation was a more effective deterrent than assurances provided by the Constitution and international instruments. He therefore urged the State party to include the prohibition against racial discrimination in the Federal Code of Civil Procedures or the Federal Criminal Code.

50. Mr. ALAWADI (United Arab Emirates) emphasized the unique situation of his country and the need for exceptional solutions to the challenges it faced under the Convention. It was his country's policy to seek to bring its legislation into line with any international instrument before ratifying it and to fully implement all the provisions before becoming a party.

51. The Government attempted to address any concerns voiced by citizens or foreigners living in his country, and was currently promulgating several new pieces of legislation to consolidate its prevention of all forms of discrimination.

The meeting rose at 5.40 p.m.