



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2557th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 8 August 2017, at 10 a.m.

Chair: Ms. Crickley

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The meeting was called to order at 10.05 a.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 (continued) (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. **Ms. Almentheri** (United Arab Emirates) said that women held nine seats on the Federal National Council, equivalent to 22.2 per cent of its members, and there were eight women ministers in the 2016 Cabinet. According to the latest economic statistics, about 23,000 women accounted for 15 per cent of the membership of boards of directors of Emirati companies; they managed investments amounting to approximately 50 billion dirhams. A total of 22 women were employed in the judiciary. They included two judges in courts of first instance and two military court judges. In the diplomatic sphere, there were 6 women ambassadors, 1 Minister Plenipotentiary, 62 first secretaries, 61 second secretaries and 234 women employees in the Ministry of Foreign Affairs and International Cooperation. Women also occupied high-ranking offices in the military, including that of brigadier general.

3. The creation of the Gender Balance Council had been a pioneering achievement. Sheikha Fatima bint Mubarak, the Chairwoman of the General Women's Union, had launched the National Strategy for Empowerment of Emirati Women in 2001. It had been updated in 2015 and would be updated again in 2021.

4. **Mr. Alhammadi** (United Arab Emirates) said that in recent years the United Arab Emirates had amended many laws to align them with the country's international obligations. In 2016, it had enacted legislation on children's rights and amended the Federal Criminal Code with a view to preventing domestic violence. In 2015, the Federal National Council had adopted Decree-Law No. 2 of 2015 on combating discrimination and hatred. Article 1 of the Decree-Law defined discrimination as any distinction, restriction, exclusion or preference among individuals or groups on grounds of religion, creed, doctrine, sect, caste, race, colour or ethnic origin. Article 6 prescribed a penalty of at least five years' imprisonment and/or a fine of at least 500,000 dirhams for discrimination by any means of expression, for instance in the press, publications or the media. Article 7 prescribed a similar penalty for hate speech. Article 8 prescribed a penalty of at least six months' imprisonment and/or a fine of at least 50,000 dirhams for the instigation of sectarian strife. Aggravating circumstances were deemed to exist if such offences were perpetrated by public officials in the performance of their duties or by persons acting in a religious capacity, or if they were perpetrated in a place of worship. The Decree-Law was accordingly in line with article 1 of the Convention.

5. The phrase "without prejudice to any more severe penalty prescribed by another law" was standard wording included in virtually all criminal legislation. If judges were unable to find a relevant penalty under the law that had been invoked, or if provision was made for a more severe penalty under another law, the more severe penalty was applicable.

6. **Mr. Alawadi** (United Arab Emirates) said that the Federal Code of Criminal Procedure defined the various types of penalties: for a minor offence, imprisonment for one month; for a more serious offence, 3 to 15 years; and for a serious crime, a term of between 15 years and life imprisonment. The final decision on the penalty was left to the discretion of the judge.

7. **Ms. Alzarooni** (United Arab Emirates) said that the Ministry of Human Resources and Emiratization dealt with issues pertaining to domestic labour. The relevant department comprised various sections tasked with resolving domestic labour disputes, raising awareness, conducting inspections and managing work permits. The State was determined to align its legislation and regulations with international standards and to defend the rights and dignity of all workers. A new federal bill on domestic labour had been adopted by the Federal National Council in June 2017 and would enter into force as soon as it was signed

by the President of the Federation. The bill was based on the principle of transparency of employment conditions before prospective domestic workers left their countries of origin. It specified the terms according to which both parties were entitled to terminate the labour contract, and it guaranteed certain rights, such as daily working hours, weekly wages, paid annual leave and access to complaint and dispute settlement procedures. Employers were required to provide medical insurance, decent accommodation facilities and food, and to pay for employees' return tickets to their country of origin. Domestic workers were guaranteed the right to keep their identity cards and passports, to freedom of movement and to the use of social media. Disputes based on complaints were addressed by the Ministry and were normally resolved within one week. If a settlement could not be reached, the dispute was referred to the courts. The bill prohibited the employment of minors under 18 years of age, all forms of discrimination based on colour, religion or other characteristics, sexual harassment and practices related to human trafficking. If a domestic worker was subjected to harmful practices, the perpetrator was prosecuted. The bill also contained provisions applicable to recruitment agencies. The Ministry of Human Resources and Emiratization planned to open a recruitment agency at the end of 2017, which would be tasked with recruiting domestic workers and ensuring that all their rights were protected under the new legislation.

8. The Labour Code guaranteed contractual rights, the right to a decent living, the right to file complaints and many other rights. In addition to the Labour Code, the Federal Labour Relations Regulation Act No. 8 of 1981 laid down rules governing the terms of labour contracts. A number of decisions and decrees adopted in 2015 guaranteed workers' right to freedom of movement and to terminate their labour contract. Contracts offered to foreign workers must be written in English, Arabic and the worker's language and must be reviewed in the country of origin. When workers arrived in the United Arab Emirates, they signed a contract in an office run by the Ministry that specialized in providing services to workers, receiving complaints and providing legal advice. The Ministry examined the labour contract and summoned the employer for consultations if additional clauses were required. If wages were changed or any basic clauses of a contract were violated, the contract was suspended and the party concerned was required to justify the changes and assess their impact on workers.

9. Ministerial Decree No. 739 of 2016 on wage protection imposed penalties for late payment or non-payment of wages. It was applicable to all registered enterprises. By the end of 2016, a total of 1,514 enterprises had been fined.

10. The Ministry of Human Resources and Emiratization had undertaken about 212,000 inspections of enterprises in 2016. Some had been fined for failing to comply with the regulations governing working hours, safety and sanitation, or for withholding identity documents, which had been returned to the workers. Compensation for overtime had been provided to approximately 55,000 workers. Complaints could be filed with the Ministry by a variety of means, including through electronic communication channels.

11. A number of enterprises had been fined for failing to comply with Cabinet Decision No. 13 of 2009, which required companies to modify workers' housing to make it standard-compliant by 2014. Companies with more than 100 employees were required to provide housing for workers who earned less than 2,000 dirhams per month.

12. **Mr. Alawadi** (United Arab Emirates) said that companies with only 10 to 15 employees were also required to ensure that the workers' housing met environmental and health conditions.

13. **Mr. Al-Ali** (United Arab Emirates) said that updated population statistics had been issued on 3 August 2017 by the National Bureau of Statistics. As at 31 December 2016, the population had totalled 9,121,167. Males had accounted for 69 per cent of the total population and females, for 31 per cent. The figures were not currently disaggregated by nationality, but steps would be taken to do so in the future.

14. Concerning the nationality of children born to an Emirati mother and a foreign father, the law stipulated that although children received nationality from their father, women could transmit their nationality in certain cases; moreover, the children in question could apply to take their mother's nationality at the age of 18. Children that inherited the

nationality of a non-Emirati father enjoyed the same privileges in terms of education, social services and health care as children with citizenship. In recent years, hundreds of children of Emirati women had been granted citizenship as part of a naturalization process. The law allowed foreign women married to Emirati men to apply for citizenship after three years' residence, provided that the marriage remained in effect.

15. All stateless persons and irregular migrants who had either overstayed their visas or had been smuggled into the country were required to formalize their situation, and for that purpose the Government afforded a grace period during which they would not be punished provided that they contacted the relevant ministries. The rights to education, health and free housing were granted during the grace period, in accordance with the principles of respect for human rights and the dignity of human beings. Although many irregular migrants had regularized their status, there had been cases of individuals concealing their identity papers with a view to more easily obtaining Emirati nationality; however, the Government had responded by contacting the authorities in the country of origin so that the necessary identity documents could be issued.

16. In keeping with measures taken to strengthen the legal framework on discrimination, the Ministry of the Interior was implementing relevant laws such as Decree-Law No. 2 of 2015 on combating discrimination and hatred. Even prior to the enactment of the Decree-Law, the Ministry had engaged several initiatives, including to strengthen human rights principles and to promote a culture of human rights. All employees participated in compulsory training on human rights protection, non-discrimination and the protection of vulnerable groups, and the training curriculum at the Police College included subjects such as human rights and the treatment of prisoners. Awareness-raising programmes had been implemented and specialized offices had been set up to deliver training and lectures on human rights and respect for the rule of law to Ministry employees.

17. The Government considered that its efforts had consolidated human rights in the country and had had a positive impact on perceptions of safety and security within society. Safety and security were enhanced by an accessible justice system in which people could file complaints through the appropriate channels and if necessary take their case to the courts.

18. **Ms. Alseraidi** (United Arab Emirates) said that the Constitution guaranteed the right to education, which was compulsory at the primary level and free at all stages. Many private and State-run schools, including vocational and technical schools, had been established and had attained the highest educational standards. Access to education was guaranteed for nationals and non-nationals, education laws were universally applied without any discrimination based on nationality, religion or race, and grants were awarded to high achievers. Given the country's diversity, an array of educational options were available that responded to the different cultural needs of different communities.

19. The Ministry of Health implemented a programme of health education and awareness in cooperation with educational institutions, while an audiovisual health guide had been developed and disseminated in schools to promote awareness of bullying. Moreover, Sheikha Fatima Bint Mubarak, the chairwoman of the General Women's Union, had launched a programme against bullying in schools, in coordination with the Supreme Council for Motherhood and Childhood and the United Nations Children's Fund, which had benefited 125,000 students and 234,000 teachers and guardians.

20. **Mr. Alawadi** (United Arab Emirates) said that the Teachers' Tolerance Charter, adopted in 2016, sought to ensure tolerance at all levels of the education system. It had been published and disseminated in education centres as part of a drive to establish a culture of tolerance in society.

21. **Mr. Alteneiji** (United Arab Emirates) said that the national tolerance programme had been in place for one year and was currently undergoing assessment. Although many countries had developed similar programmes for the rejection of extremism and racism, he considered that the national programme of the United Arab Emirates was unique in seeking to promote tolerance in all sectors of society and in requiring public and private enterprises to foster tolerance among workers. In 2016, the Prime Minister, Sheikh Mohammed bin Rashid Al Maktoum, had established a Ministry of Tolerance which was considering

various initiatives. A hotline and an awareness-raising programme had been deployed to help the general public understand the provisions of Decree-Law No. 2 of 2015.

22. **Ms. Mohamed** (United Arab Emirates) said that the civil society organizations involved in the preparation of the report had included the General Women's Union, children's organizations and women's shelter organizations. Seminars, workshops and awareness campaigns had been held in order to combat racial discrimination and hatred, and the General Women's Union had launched a campaign to promote the rights of domestic workers.

23. **The Chair** said that although the information provided about women was welcome, the Committee's chief concern was with women who were particularly vulnerable to racial discrimination. Therefore, she wished to know whether the 2015-2021 National Strategy for Empowerment of Emirati Women also targeted non-Emirati domestic workers.

The meeting was suspended at 11.10 a.m. and resumed at 11.25 a.m.

24. **Mr. Kemal** (Country Rapporteur) said that he appreciated hearing that labour inspections were taking place in order to enforce labour laws; however, he was interested to know how effective the inspection process was and whether enough inspections were carried out, considering the huge working population.

25. On housing, he asked whether the State planned to build more model villages for workers and what measures were in place to ensure that employers provided a good standard of accommodation, since the report stated that only 64 per cent of enterprises complied with the required standards. Further details might be provided concerning the claims made by manual workers belonging to certain national groups that their living conditions were poor and that they were exploited by their employers.

26. Since 2014, the United Arab Emirates had made impressive progress in enacting laws to combat hate speech and discrimination; however, the Committee would also welcome an update on the State party's plans to build on its recent achievements by establishing a national human rights institution.

27. Lastly, he asked whether the Government had assessed the impact of Decree-Law No. 2 of 2015 and whether data was available on any complaints of racial discrimination that had been submitted. Updates might also be provided on any steps taken in respect of the sponsorship (*kafala*) system.

28. **Mr. Calí Tzay** said that female domestic workers were especially vulnerable to racial discrimination owing to their status as migrants and the fear of losing their jobs. For that reason, he asked how the State party was protecting migrant workers.

29. **Ms. Shepherd** said that she was interested to know if a timeline had been established for the enactment of the bill of law on the labour rights of domestic workers. Moreover, given that those workers were mostly employed in the private sector, she wondered how the State party would enforce the law when it took effect. In particular, she wished to know how the Government addressed the obstacles that might dissuade workers from filing complaints, such as the fear of dismissal.

30. In the light of the State party's clear commitments to education and the elimination of racial discrimination, she asked why the United Arab Emirates had not yet ratified the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization.

31. Although the delegation had provided some general information about women's advancement in the State party, disaggregated data was lacking. Given the Committee's focus on multiple and intersecting forms of discrimination, she wondered whether information might be provided on particular groups of women that had been able to progress in that respect.

32. No information had been forthcoming on people of African descent, who were known to have a presence in the United Arab Emirates. The Committee questioned all States parties about the activities that they expected to undertake in the framework of the

International Decade for People of African Descent; accordingly, it wished to know how the United Arab Emirates planned to support the initiative.

33. **The Chair**, taking up one of the questions raised by the Country Rapporteur, said that she specifically wished to learn whether the State party intended to establish a national human rights institution, and if so, whether it would seek A status under the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), thus guaranteeing the independence of the institution.

34. **Mr. Alawadi** (United Arab Emirates) said that during its universal periodic review in 2013, the Government had accepted recommendations to establish a national human rights institution. Moreover, it was determined to ensure that such an institution would achieve A status accreditation. To that end, working groups had been created and visits had been made to national human rights institutions in other countries. The design of the country's national human rights institution was now in its final stages, and it was hoped that the institution would be up and running ahead of the next universal periodic review.

35. The Ministry of Human Resources and Emiratization now had more than 1,000 labour inspectors who carried out on-site inspections. If breaches of the regulations were found, companies could face monetary fines. A smart inspection system has also been introduced with the aim of detecting, by means of data analysis, possible non-compliance which could trigger a labour inspection and compensatory payments to workers, if necessary.

36. The model villages built to provide accommodation for workers were required to meet exacting standards and were subject to inspection so as to ensure that they complied with health, hygiene and environmental standards as well as maximum room occupancy rates and standards for the provision of basic services. In addition to the model villages built by the State, companies were also encouraged to build their own. Smaller companies often housed their employees in rented accommodation, which was also subject to inspection.

37. Since the enactment in 2015 of Decree-Law No. 2 on combating discrimination and hatred, a number of complaints had been submitted and investigated. So far in 2017, there had been 16 such cases. It was hoped that, in time, more statistics would be available to demonstrate the impact of that law and the extent to which persons were invoking it as a means of upholding their rights. A small number of complaints had also been lodged under Decree-Law No. 5 of 2012 on combating cybercrime.

38. The term "migrant workers" did not fully encapsulate the situation of persons who came to work in the United Arab Emirates. Instead, they were known as "contractual workers", since they signed a contract of employment prior to their arrival in the country and were thus already fully aware of their rights and obligations. Various mechanisms were also in place to enable employees and employers alike to seek redress in the event that their rights had been violated or the terms of their contract breached.

39. The bill on domestic workers did not introduce new rights or obligations per se, but rather it formalized the existing regulations, protections and entitlements already enjoyed by domestic workers. For example, employment contracts were based on a Ministry of the Interior template that contained provisions on, among other things, wages for domestic workers, mandatory rest periods and entitlements. No domestic worker could be employed in the United Arab Emirates without such a contract, which was signed in triplicate and a copy deposited with the Ministry of the Interior in case of dispute. There was no specific timeline for the enactment of the bill on domestic workers, since it still had to go through the established legislative procedures before being signed by all seven Emirates. It was hoped that it would be adopted by the end of 2017.

40. The Government was giving consideration to becoming a party to, among other international conventions, the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO). The approach taken by the United Arab Emirates was to incorporate international treaties into its domestic legislation before ratifying them, which was why it took longer to ratify international instruments there than it did in other countries. Work was undertaken to

identify and enact any legislative amendments required for the comprehensive implementation of a convention, and only once that had been completed was a convention ratified.

41. **The Chair** pointed out that foreign workers who had signed an employment contract prior to their arrival to the country still fit within the definition of migrant workers. Moreover, the fact that they had signed an employment contract before leaving their country of origin did not mean that they had a full picture of what the reality would be like on their arrival in the country.

42. **Mr. Avtonomov** said that he wished to know to what extent sharia law was applied to persons who did not belong to the Sunni schools of interpretation of Islamic law, in particular in relation to matters of personal status such as marriage and inheritance. For example, the followers of the Jafari school of interpretation practised *nikah mut'ah*, a form of temporary marriage that was not recognized by Sunni Muslims. Were the courts able to deal with those issues?

43. **Mr. Alawadi** (United Arab Emirates) said that the judiciary took into account the importance of sharia law, including through specialized courts. Moreover, there were various personal status laws that applied to the different communities residing in the country. The Jafari and Shia denominations were a well-established part of Emirati society and had the same rights as anyone else. Moreover, the United Arab Emirates was a tolerant nation where persons of different denominations were free to observe their religious rituals in complete security.

44. **Ms. Almentheri** (United Arab Emirates) said that the 2015-2021 National Strategy for the Empowerment of Emirati Women had been formulated taking into account international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women. It contained various priorities, including gender equality between women and men as well as targets related to the Sustainable Development Goals. The Strategy made no distinction between citizens and non-citizens and its goals and associated initiatives were aimed at all women residing in the country.

45. **Mr. Alhammadi** (United Arab Emirates) said that during his visit to the country in 2009, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had commended various initiatives taken by the United Arab Emirates with the aim of improving the situation of construction and domestic workers. In his subsequent report on his mission to the United Arab Emirates (A/HRC/14/43/Add.3), he had highlighted several areas of good practice, including the provision of interpreters to help foreign workers to lodge complaints and participate in court proceedings, as well as the improvements made to standards of accommodation for workers.

46. Companies were assessed by the Ministry of Labour and awarded A, B or C classifications in recognition of their compliance with certain standards, including in relation to the quality of accommodation they provided to employees. The benefits of A status, which was the highest award, included government subsidies and other privileges. Companies were therefore keen to meet regulations so that they could retain or be promoted to A status, a fact that had helped to improve standards of accommodation quite significantly.

47. **Mr. Yeung Sik Yuen** said that he wished to know whether the 15-year maximum sentence that could be imposed by the courts for offences prosecuted under Decree-Law No. 2, on combating discrimination and hatred, was the penalty for a misdemeanour or for a criminal offence. He also wondered whether there were any minimum sentences for those categories of offence.

48. Article 25 of the Constitution stated that all persons were equal before the law and that there should be no discrimination between citizens of the Federation on grounds of origin, place of residence, religious belief or social status. He wished to know whether the word "citizens" encompassed nationals and non-nationals of the United Arab Emirates alike and, if not, why such a distinction had been made. Regarding complaints by prisoners, he was concerned that the process of lodging complaints through the Public Prosecution Office,

which examined the complaint, took any necessary measures and referred it to the Public Prosecutor, did not guarantee impartiality and fairness. Lastly, noting that a more severe penalty prescribed by another law could be applied by the courts during the course of a trial, he wondered whether that process was in line with the principle of legal certainty. For example, was the accused informed of any new evidence or of the new charge and the penalty it carried?

49. **Mr. Alawadi** (United Arab Emirates) said that the Constitution had been adopted upon the formation of the United Arab Emirates in 1971, prior to which citizens' rights had been provided for in the legislation of the individual Emirate in which they resided. Article 25 of the Constitution stipulated, in the first sentence, that all persons — citizens and non-citizens — were equal before law, and, in the second sentence, that there should be no discrimination among citizens of the United Arab Emirates on the basis of race, nationality, faith or social status.

50. The Public Prosecution Office formed part of the judiciary and was independent: it did not fall under the authority of the Ministry of the Interior and did not favour either the accused or the plaintiff when investigating complaints. It inspected prisons and was empowered to hear and investigate the complaints of all prisoners.

51. **Mr. Alhammadi** (United Arab Emirates) said that the Federal Criminal Code distinguished between crimes and misdemeanours. Crimes were punishable by imprisonment of 3 to 15 years, whereas misdemeanours were punishable by detention or fines. The relevant legislation provided that a person should not be subject to criminal sanctions unless proven guilty, and should only be searched or detained under specific conditions. Furthermore, arrest warrants were issued in accordance with a specific procedure, and persons accused of crimes carrying sentences of imprisonment or capital punishment had the right to legal counsel. If such persons did not have the means to engage a lawyer, the courts could appoint one for them at the expense of the State. Where defendants were tried in absentia, they had to be retried in person so that they could hear the charges against them and present evidence for their acquittal. Under the Federal Criminal Code, judges adapted penalties to defendants and their circumstances.

52. **Mr. Yeung Sik Yuen** said that he wished to know, in the event of a further, more serious, charge being made against a defendant during proceedings in relation to a pre-existing charge, whether that defendant had the opportunity to address the new charge and present fresh evidence.

53. **Mr. Kemal** said that he was grateful to the delegation for the information provided on the difference between contractual and migrant workers. On the subject of discrimination, in 2009 a Ministry of Labour official had been quoted as saying that, while anyone found guilty of racial discrimination in the public sector was immediately fired, employees suffering discrimination in the private sector were more reluctant to come forward for fear of being fired. According to additional media reports, it was unclear whether Decree-Law No. 2 of 2015, on combating discrimination and hatred, applied only to nationals of the United Arab Emirates or to all private-sector employees regardless of nationality. It had also been suggested that complaints of discrimination had to be made before the courts. He wondered whether there was a labour ombudsman to take up such cases so that workers with discrimination grievances did not have to go to court.

54. **Mr. Alawadi** (United Arab Emirates), responding to Mr. Calí Tzay's question about prison populations, said that under the Penal and Correctional Institutions Act, persons in prison were separated on the basis of the nature and seriousness of their crimes rather than their race or nationality. There were three broad groups of prisoners: those accused of a crime but awaiting trial, those already convicted, and those convicted of very serious crimes.

55. The delegation was not in a position to respond to the comments reportedly made by the Ministry of Labour official referred to by Mr. Kemal, as his identity was unknown. If a law applied to a specific group of persons, it would contain a provision to that effect. In the absence of any such provision, a law applied to everyone in the territory of the United Arab Emirates, regardless of their nationality or situation.

56. With regard to questions on persons of African descent and the Government's engagement with the International Decade for People of African Descent, he said that more than 80 per cent of the population of the United Arab Emirates was accounted for by expatriates, many of whom were of African descent; thus, there was no evidence of any preference or discrimination based on nationality. The Government was prepared to support any initiative launched by the United Nations.

57. **Mr. Kemal** said that, notwithstanding the challenges which remained, the State party had made considerable progress over recent years, and he had great hopes for the implementation of Decree-Law No. 2. He was grateful for the fruitful exchange with the State party and looked forward to hearing about the Government's future accomplishments.

58. **Mr. Alawadi** (United Arab Emirates) said that he appreciated the Committee's comments, which would be relayed to the relevant authorities and transformed into action. His country had taken steps to bridge gaps in the implementation of anti-discrimination legislation and would work with civil society to strengthen the legislative, administrative and institutional framework for the elimination of racial discrimination.

59. **The Chair** said that she would look forward to reading the State party's written reply to unanswered questions on such subjects as its engagement with civil society. Owing to its distinctive demographics, the United Arab Emirates could lead the way in eliminating racial discrimination.

The meeting rose at 12.55 p.m.