



Convention on the Rights of Persons with Disabilities

Distr.: General
17 January 2017
English
Original: Arabic
Arabic, English, Russian and
Spanish

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of the United Arab Emirates

Addendum

Comments received from the United Arab Emirates on the concluding observations*

[Date received: 3 October 2016]

* The present document is being issued without formal editing.



Subject: Response of the United Arab Emirates to the observations of the Committee on the Rights of Persons with Disabilities

1. The delegation of the United Arab Emirates thanks the members of the Committee on the Rights of Persons with Disabilities and expresses its appreciation of the constructive dialogue conducted during the discussion of the initial report of the United Arab Emirates. It wishes to present the following comments on some of the Committee's observations on the report.

A. General principles and obligations (arts. 1-4)

Paragraph 5: Non-ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities and non-ratification of other relevant international human rights treaties.

2. These international treaties are being studied and discussed by various State agencies. On completion of the studies and discussions, they will be addressed by the State agencies at different levels.

Paragraph 7 (a): With regard to harmonization of the legislation on persons with disabilities dating from before ratification of the Convention on the Rights of Persons with Disabilities:

3. The State has harmonized a large number of laws with relevant international human rights treaties. They include Federal Act No. 29 of 2006, as amended. An analytical study of the harmonization of all State legislation with the Convention on the Rights of Persons with Disabilities has been completed. The study is entitled: "Harmonization of the Emirati Legislation on Disability with the Convention on the Rights of Persons with Disabilities."

Paragraph 7 (b): With regard to the definition of disability and its harmonization with the criteria and principles set out in articles 1 to 3 of the Convention:

4. A comprehensive concept of disability has been adopted in the existing legislation, as reflected in the following legal definition of a person with disability: "Any persons with full or partial, short or long-term, physical, sensory, mental, communication, learning or psychological impairments or disorders that may reduce their ability to meet their normal requirements in the same way as their peers without disabilities." This is also incorporated in the provisions of article 22 under the heading "An enabling environment".

Paragraph 7 (c): With regard to inappropriate (derogatory) terminology concerning persons with disabilities in some laws, policies and discourse:

5. A manual concerning definitions of disability containing a full chapter on terminology has been prepared and is currently being printed. It will be distributed to all relevant State bodies.

Paragraph 7 (d): With regard to the insufficient measures taken to implement the Convention on the Rights of Persons with Disabilities at the local level:

6. Action has been taken and is currently being taken to ensure the implementation of the Convention in all parts of the country and by all local governments. International treaties signed by the State are deemed to acquire the status of national law.

Paragraph 7 (e): With regard to the heavy focus on creating specialized solutions that lead to the segregation of persons with disabilities:

7. Persons with disabilities are not segregated from members of society without disabilities. A resolute integration process is being conducted at all levels with a view to their social, educational and economic integration.

Paragraph 8: With regard to the Committee's recommendation to consult persons with disabilities and their representative organizations with a view to ensuring that legislation and policies are in compliance with the general principles of the Convention, we wish to state the following:

Subparagraph (a)

8. A large number of laws and policies have been reviewed in order to harmonize them with the Convention on the Rights of Persons with Disabilities. All committees that monitor the legislation have one or more members who are persons with disabilities or members of their representative organizations. The State is fully committed to the transition in its legislation and policies to a human-rights-based model, and reaffirms the prohibition of all forms of discrimination (if they exist) on the basis of disability.

Subparagraph (b)

9. The harmonization of the definition of disability in national legislation with the criteria and principles set out in articles 1 to 3 of the Convention has already been addressed in paragraph 4 above.

Subparagraph (c)

10. The elimination of inappropriate terminology from all laws, policies and national discourse has already been addressed in paragraph 5 above.

Subparagraph (d)

11. Action is being taken to mainstream the rights of persons with disabilities and to ensure their access to all services with a view to their full integration into society.

Paragraph 9: With regard to the Committee's observation:

Subparagraph (b): Inadequate consultations involving persons with disabilities, and difficulties faced by organizations and families in taking action to protect and promote full implementation of the Convention:

12. Consultations on all projects and initiatives undertaken by State bodies with a view to implementing the Convention are conducted with persons with disabilities and with their representative foundations and associations.

Subparagraph (c):

13. The work of foundations and associations that provide services to persons with disabilities is subject to prompt and meticulous monitoring by competent State authorities to ensure that it complies with all provisions of the Convention on the Rights of Persons with Disabilities.

Paragraph 10: The Committee's recommendation to the State:

14. The recommendations contained in this section are implemented as follows:

All independent organizations operating in the area of disability are legally registered as public welfare associations. Such associations, depending on their activities and engagement in service provision to persons with disabilities, receive annual financial support and allowances from diverse public-sector sources, including the Federal Government and local governments, and from the private sector. They are encouraged to become involved in implementing the Convention on the Rights of Persons with Disabilities.

The services provided by associations and foundations operating in the area of disability are consistent with the Convention on the Rights of Persons with Disabilities. Their work is carefully monitored and they are provided with standards to ensure the quality of the services provided to persons with disabilities.

No restrictions are imposed on the engagement of organizations of persons with disabilities with United Nations human rights mechanisms.

B. Specific rights (arts. 5-30)

Equality and non-discrimination

Paragraph 11: The Committee is concerned about:

(a) *The failure of national legislation to designate the lack of reasonable accommodation as a form of disability-based discrimination;*

(b) *Inadequate training opportunities and consultations with organizations of persons with disabilities on the concept of reasonable accommodation and non-discrimination against persons with disabilities in the public and private sectors, particularly the judiciary, law enforcement, the civil service, and educational and health professionals;*

(c) *Inadequate legislation concerning protection against multiple forms of discrimination.*

Paragraph 12: The Committee's recommendations to the State:

Subparagraph (a): A recommendation that national law contain an explicit definition specifying that denial of reasonable accommodation is a form of disability-based discrimination:

15. Action will be taken on this recommendation in a draft amendment to Federal Act No. 29 of 2006 and in other legislation. The recommendation is clearly reflected in a number of bills, for example: public policies on health services for persons with disabilities and other policies. The content of the recommendation is also reflected in other bills and policies. Thus, the following definition is contained in the policy concerning health services for persons with disabilities: "Necessary and appropriate adjustments and arrangements that do not impose a disproportionate and unnecessary burden and that are required in specific cases to ensure that persons with disabilities enjoy and are able to exercise all human rights and fundamental freedoms on a par with other persons."

Subparagraph (b): With regard to training in the concept of reasonable accommodation developed in consultation with, and with the involvement of, organizations of persons with disabilities for public and private actors, the judiciary, civil servants, and health and educational professionals:

16. This recommendation is currently being implemented and action is being taken to extend it to all sectors mentioned in the recommendation.

Subparagraph (c): With regard to the incorporation into national law of an explicit guarantee of protection against multiple forms of discrimination, including on grounds of gender, age, disability and migrant status, and the imposition of sanctions on perpetrators of discrimination:

17. The Constitution of the United Arab Emirates explicitly guarantees equality for all members of society without discrimination on grounds of race, gender, origin, etc. A discussion will be held on this recommendation concerning discrimination against persons with disabilities.

Paragraph 14 (b): Implementation of awareness-raising campaigns and education programmes to foster respect for the rights and dignity of women and girls with disabilities within the family, etc.:

18. Action has been taken on this recommendation for some time, and many initiatives and awareness-raising campaigns have been launched.

Paragraph 16: The Committee's recommendations to the State to take the following action:

Subparagraph (a): To take all necessary steps to enable boys and girls with disabilities to enjoy equality with others, and to support girls and boys and assist them in starting an independent life when they reach adulthood:

19. A certain amount of action is being taken on this recommendation in all rehabilitation centres run by the Government and local governments. Children who are about to reach adulthood are prepared to live an independent life, depending on their capacities and abilities. This type of training is also widespread in private institutions, and one institution has received an accreditation to undertake such training.

Subparagraph (b):

20. This recommendation is being implemented on behalf of all persons with disabilities. A study was undertaken of the degree of awareness of persons with disabilities of their rights under Federal Act No. 29.

Awareness-raising (art. 8)

Paragraph 17: The Committee is concerned:

- (a) *That it considers the primary prevention of impairment [...]*
- (b) *That persons with disabilities are perceived within the family as lacking the ability to live independently [...]*
- (c) *About the lack of awareness of persons with disabilities of their rights [...]*

Paragraph 19: The Committee's recommendations:

21. Widespread action is being taken on the recommendation in this section to build awareness of rights based on a humanitarian model. All services offered to persons with disabilities involving rehabilitation, treatment, education and prevention of disabilities are conducted in a manner that fully respects human dignity and that is consistent with the provisions of the Convention on the Rights of Persons with Disabilities. Organizations of persons with disabilities are also involved in such action.

Accessibility (art. 9)

Paragraph 19

22. Widespread action is being taken on the Committee's observations in this section concerning an enabling environment and accessibility. Legislation has been enacted at the federal level (Ministry of Labour) and at the local level (Municipality of Dubai; Municipality of Abu Dhabi) with a view to providing legal support for accessibility and an enabling environment in public places and to ensure access to information for persons with all types of disabilities. A number of initiatives concerning an enabling environment have been launched in the transport system (Abu Dhabi Metro, public buses in Abu Dhabi, Dubai and Sharjah). They are also now equipped to transport persons with disabilities. Action is under way to promote a legally supported enabling environment in all public

places, including shopping centres, hotels, mosques, the Internet and electronic self-service applications.

Situations of risk and humanitarian emergencies (art. 11)

Paragraph 21

23. Action is currently being taken on all the recommendations in this section. A comprehensive training programme has been developed on the protection of persons with disabilities in emergency situations. The programme will be implemented at the national level in cooperation with civil defence agencies and the National Emergency, Crisis and Disaster Management Authority.

Access to justice (art. 13)

Paragraph 25

24. Action is being taken on all the recommendations in this section in cooperation with diverse public authorities, including the Ministry of Justice and the Dubai Courts. A training programme on disability and the rights of persons with disabilities is currently being developed. Legislation concerning professional licences for sign language interpreters has been drafted. A number of sign language training sessions have been organized for court personnel.

Liberty and security of the person (art. 14)

Paragraph 27

25. The legislation that is currently being prepared for enactment greatly reduces the number of cases in which persons can be referred to care institutions. The legislation contains a set of rules that impose strict limits on the referral of persons with disabilities to such institutions. Their services are confined to persons with severe disabilities who are without accommodation or are of unknown kinship. Medical care institutions are confined to persons with disabilities whose severe health condition prevents them from remaining at home and who require health services that cannot be provided in their home or in a rehabilitation and education centre.

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

26. The recommendations contained in this section are being discussed with the competent State authorities. The “Wadeema Act”, a child rights act, has been promulgated. It affords ample scope for prohibiting corporal punishment and all forms of violence against children, including children with disabilities.

Living independently and being included in the community (art. 19)

Paragraph 37

27. Action is currently being taken on the recommendations contained in this section. For instance, a case management programme has been developed. The programme includes a case management model applicable to persons with disabilities so that they may live an independent life, depending on the nature and severity of their disability. They will also have access to all services and support in that regard.

Freedom of expression and opinion, and access to information (art. 21)

Paragraph 39

28. The recommendations contained in this section have been fully implemented. A large number of sign language courses have been organized and qualified staff have been trained in a uniform local sign language. A federal law concerning licences for persons exercising the profession of sign language interpreter has been enacted and is currently being implemented. In addition, sign language interpretation standards have been developed in partnership with the Emirati Association of Persons with Impaired Hearing.

Respect for the home and the family, paragraph 41

29. National legislation does not prohibit marriage for persons with disabilities. On the contrary, the State encourages them to marry and holds annual collective marital festivities for persons with disabilities. The State provides generous financial assistance to all married couples and the authority that organizes the collective marital festivities covers the entire cost of each marriage. The prenuptial medical examination is a general examination for all persons, both with and without disabilities, prior to marriage. They are examined for blood disorders such as thalassemia and for contagious diseases such as epidemiological liver infections and AIDS.

Habilitation and rehabilitation (art. 26)

30. Action is being taken to implement the recommendations contained in this section. Medical rehabilitation services are currently provided to all persons with disabilities, and all non-citizens with disabilities have access to a comprehensive health insurance system. The medical services include physiotherapy, functional pronunciation therapy and artificial limbs. With regard to educational rehabilitation and employment, the Federal Government and local governments cooperate in providing educational rehabilitation services for persons with disabilities.

Work and employment (art. 27)

The Ministry of Human Resources and Emiratization

31. There are employment and labour monitoring departments for persons with disabilities in the Ministry of Community Development and the rehabilitation centres and institutions for persons with disabilities run by local governments. The Ministry of Community Development runs a workplace training system. Persons with disabilities are provided with occupational and professional training and attend training programmes for local labour markets. The Ministry of Community Development has concluded a number of employment contracts for persons with disabilities in diverse locations. In addition, the Centre for the Rehabilitation and Employment of Persons with Disabilities run by the Ministry of the Interior has succeeded in recent years in rehabilitating a number of persons with disabilities and in securing employment for them in diverse workplaces.

Adequate standard of living and social protection (art. 28)

32. Monthly financial allowances are paid to all persons with disabilities or their guardians under the social security system. Action is currently being taken to calculate the expenses stemming from disability for individuals or families with a view to covering the cost of the financial allowances paid by the State in that regard. Housing programmes provide appropriate accommodation for persons with disabilities. Moreover, a quota is applicable to persons with disabilities so that they enjoy priority in obtaining access to housing.

Participation in public and political life (art. 29)

33. No restrictions are imposed on the participation of persons with disabilities in political life and the electoral process as voters or candidates for election. Two persons with disabilities stood as candidates for membership of the Federal National Council in the last elections. The Commission that organizes the electoral process seeks to promote an appropriate environment and freedom of access to the polling stations.

Technical cooperation (art. 37)

34. A procedure for implementing this recommendation and for obtaining assistance from the Inter-Agency Support Group will be discussed.
