



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Forty-fifth session**

Summary record of the 915th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 26 January 2010, at 3 p.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

(CEDAW/C/ARE/1, CEDAW/C/ARE/Q/1 and CEDAW/C/ARE/Q/1/Add.1)

Initial report of the United Arab Emirates (continued)

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

2. **Ms. Al Hashimy** (United Arab Emirates), in response to questions on article 6 of the Convention posed at the previous meeting, said that the rise in human trafficking incidents in the United Arab Emirates was in part a reflection of the development of the national economy, which in opening up to the global economic system as a whole had also opened itself up to international abuses. Her country had a robust anti-trafficking law that was vigorously enforced. It also investigated reported cases of female genital mutilation, which were extremely rare.

3. **Mr. Alawadiah** (United Arab Emirates) said that his country's anti-trafficking law provided for severe penalties which the authorities were serious about enforcing. In contrast to many countries that had never prosecuted a single human trafficking case, there had been approximately 20 human trafficking cases in the United Arab Emirates in 2009 alone, with over 43 persons convicted. In a case just concluded in January 2010, six defendants had been sentenced to life imprisonment. The Constitution of the United Arab Emirates provided for equality before the law for both citizens and non-citizens.

4. **Ms. Khanji** (United Arab Emirates) said that the family protection centre in Dubai offered rehabilitation for both victims and perpetrators of violence against women.

5. **Ms. Al Basti** (United Arab Emirates) said that in addition to rehabilitation, there were also preventive programmes that targeted men. The General Women's Union had recently conducted a campaign to raise men's awareness of the role of women in development. It was also working with the Ministry of Education to ensure that school curricula did not reinforce stereotypes of women. In addition to those national initiatives, it had also been under the presidency of the

United Arab Emirates that the Arab Women's Organization had launched its Media Strategy for Arab Women.

Articles 7 and 8

6. **Ms. Murillo de la Vega** said that she was delighted to see that there had been so many women members of the electoral college in the 2006 election, but wished to know why the report had made no mention of universal suffrage. She also asked whether there were plans to add a specific reference to non-discrimination on the basis of gender to the Constitution. She wondered what was different about the emirate of Sharjah, where, relatively speaking, such a large number of Advisory Council seats were held by women.

7. **Mr. Flinterman** said that he wished to know the exact criteria for registration of an association under Federal Law No. 6 of 1974, and if an organization advocating for women's rights, in particular one formed by foreign female domestic workers, would be permitted. Did the prohibition on migrant worker trade unions extend to other kinds of migrant worker associations? He also expressed concern that the Committee had not, as was customary, received any shadow reports on the United Arab Emirates from non-governmental organizations.

8. **Ms. Al Hashimy** (United Arab Emirates) said that the electoral process was relatively new in her country and the issue of women's participation could not be treated the same way as in other countries with longer traditions of democratic government. Her country was just in the beginnings of involving civil society in the political process, but even so, a number of non-governmental organizations, some of which were represented on the delegation, had made significant contributions to her country's national report.

9. **Ms. Al Marri** (United Arab Emirates) said that in the 2006 election, 1,189 out of the 6,688 electors had been women. Only one woman candidate had succeeded in being elected, but eight other women, of whom she was one, had subsequently been appointed to the Federal National Council, bringing the proportion of women on that body to over 22 per cent.

10. **Mr. Alawadiah** (United Arab Emirates) said that Federal Law No. 6 of 1974 on associations stipulated that the founding members of an association must be

citizens. Others could join an association and enjoy all the benefits of membership except the right to run for office. There were no prohibitions against women running for office of any organization.

Article 9

11. **Ms. Awori** asked for an update on the bill mentioned in the United Arab Emirates' responses to the list of issues and questions (CEDAW/C/ARE/Q/1/Add.1) that would amend the Nationality and Passports Law to permit children born to female citizens with foreign husbands to acquire their mother's nationality. She also asked what was being done to prevent discrimination against the migrant women who were among the country's 20,000 stateless residents, known as "Bidun", most of whom had entered the country illegally in search of employment. She wondered what steps, if any, were being taken towards ratification of the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

12. **Ms. Belmihoub-Zerdani** said that while she could understand reservations to international conventions based on religious principles, she failed to comprehend why the United Arab Emirates had been unable to resolve its problems with the nationality provisions contained in article 9. Numerous other Arab Muslim States, including her own, Algeria, that had initially expressed reservations with respect to the those provisions, had eventually withdrawn them. The delegation had earlier stated that the United Arab Emirates followed the principle of harmonizing domestic law with the provisions of international treaties, and there seemed to be no reason why domestic law could not be amended on that particular point.

13. **Ms. Al Hashimy** (United Arab Emirates) said that pursuant to a Federal Supreme Council decision in 2005, the Council of Ministers had established a committee to review the situation of undocumented persons. In 2006, a number of persons who had been resident in the United Arab Emirates prior to the foundation of the Federation had been granted citizenship. In 2008, a registration period was designated for other persons who did not have identity documents.

14. In 1998, a committee had been established to collect data on women with children by foreign husbands, and an amendment to the Nationality and Passports Act had been drafted that would allow mothers of such children to pass their nationality on to them. That amendment was in the process of undergoing the constitutional procedures required for its passage into law.

15. **Mr. Alawadhi** (United Arab Emirates) said that one problem with respect to the nationality provision of article 9 was that the United Arab Emirates did not allow dual citizenship. Most foreign fathers were reluctant to give up their own or their children's original nationality in order to become citizens of the United Arab Emirates. Progress was being made on that issue, nevertheless. For the sake of clarity he wished to note the distinction between the term "Bidun", meaning "stateless", and the term "Bedouin", which referred to desert tribesmen, who also often did not possess identity documents.

Article 10

16. **Ms. Bailey**, noting that primary education was compulsory in the United Arab Emirates, asked if the same was true of secondary education. It would be helpful to have net enrolment figures rather than just gender ratios for each stage of the education system. She expressed concern that the higher enrolment for girls than boys at the secondary and university level, while welcome in itself, might be a reflection of discriminatory factors such as greater barriers for women than men to studying abroad. It would also be interesting to know the exact reasons why girls' enrolment was going up in private schools while it was going down in public schools, and, given that shift, to have information on how private school and public school educations compared with each other. The Committee had also received information from alternative sources indicating that children of non-nationals whose parents were in the private sector were not allowed to enrol in public schools, contradicting the claim in the report that public schools were open to children of all nationalities.

17. She asked for clarification of the precise ways in which marriage, employment and illness contributed to the female school dropout rate. Information on which age groups were affected by each of those factors might yield insight into the prevalence and effects of early marriage and child employment. Noting that in

several places the report used phrases like “in keeping with the customs of society” and “in a way that suits women” to describe facilities provided for women’s participation in sports and other activities, she wondered if such catering to women’s perceived needs had the negative effect of reinforcing traditional female roles. She also asked for information on access of rural, minority and foreign girls to public education.

18. **Ms. Al Hashimy** (United Arab Emirates) said that the information requested on enrolment rates would be supplied at a later date. Primary education was compulsory and open to all, although the language barrier might deter some foreign children from entering public schools. It was true that more men than women travelled abroad for education, but that was a result not of discrimination but of a personal choice by many women to take advantage of the increasing number of higher education options available domestically, which included branches of several foreign universities. In a traditional society like that of the United Arab Emirates, woman-specific facilities for sports and other activities were unavoidable. It was not a matter of imposing restrictions on women, but of allowing them to feel comfortable. The balance between traditional and modern behaviours was a matter of individual choice, and, if anything, State policy encouraged women to go beyond their comfort zones.

Article 11

19. **Ms. Patten** expressed concern over the absence of constitutional provisions making specific reference to non-discrimination on the basis of gender or to non-discrimination by private employers. She asked if the Federal Labour Law No. 8 of 1980 would be amended to prohibit both direct and indirect discrimination at all stages of employment, and if there were plans to expand that Law’s provision on sexual harassment which, as had already been pointed out by the ILO Committee of Experts, was inadequate in that the only recourse it provided for women in cases of sexual harassment was the right to quit their jobs. It would also be useful to hear the delegation’s assessment of the effectiveness of the mandatory standard formula that had begun to be inserted into employment contracts for domestic workers in 2007 and an update on the status of the draft law on service assistance, which would cover relations between domestic workers and their employers.

20. **Mr. Bruun** said that female migrant domestic workers were at the very lowest level of the labour market, and without monitoring and sanctions they would remain unprotected from such abuses as having their passports confiscated or wages withheld. While the Labour Law provided for equal pay for equal work, it made no reference to work of equal value. Restrictions on associations were also a concern when it came to labour conditions. It was important to keep in mind that overprotective regulation, such as restrictions on late hours and strenuous work for women, might lead employers to favour the hiring of male employees. He also expressed concern over the fact that women could not work without the consent of their husband or male guardian, and that women were entitled to bereavement leave upon the death of a spouse whereas men were not.

21. **Ms. Jaising**, noting that the report divided domestic workers into the two categories of “citizen” and “non-citizen”, asked if that meant that labour regulations were different for those two categories. Was there anything in immigration laws to protect against exploitation of migrant domestics? Leaving the treatment of migrant workers up to private contractual terms rather than the law seemed to invite abuse. She also asked for further clarification on the prohibition against forming associations.

22. **Ms. Al Hashimy** (United Arab Emirates) said that there was no distinction under the law between citizen and non-citizen domestic workers. The conditions imposed by the United Arab Emirates on the formation of trade unions and associations needed to be understood in the light of the fact that 85 per cent of its population consisted of expatriates.

23. **Mr. Alawadhi** (United Arab Emirates) said that the anti-discrimination provisions of the Constitution and the Labour Law applied to both the public and private sectors. Restrictions on late hours and certain kinds of work were intended to protect women. Although there was no law specifically covering domestic employment, other laws in force provided domestic workers with legal protection. In cases where their contracts were violated, workers had recourse to the courts, which handed down severe sentences for both economic and physical abuses. There was no wage discrimination in the public or private sector. The only discrimination was positive in favour of women, such as allowing them to retire earlier than men. With regard to immigration law, it must be kept in mind that

all foreigners in the United Arab Emirates entered either as workers under contract or as family members. There were plans eventually to enact a law on domestic workers that would address many of the issues that had been brought up by the Committee.

Article 12

24. **Ms. Pimentel** said that the report provided only very positive and general information on health care and appeared to have ignored the Committee's general recommendation No. 24 regarding woman-specific health measures. She asked for specific information on how women's needs were taken into account in health-care programmes and legislation.

25. **Ms. Arocha Dominguez** said that the report's discussion of health care focused too much on technological and financial matters and not enough on more subjective issues, such as ensuring that health-care personnel were trained to address the particular health-care needs of women. The report contained data on programmes directed broadly at the population as a whole, but no information on programmes targeted specifically at women. She wished to know if pregnancy and early childhood care were available to migrant women workers in practice, and whether they had guarantees of access to such care in their contracts. Information on teen pregnancy, sexually transmitted diseases and the use of contraceptives would also be desirable. Was there sex education for adolescents in school, and were boys included in family education programmes? Among the issues brought up at the Human Rights Council universal periodic review of the United Arab Emirates had been the long hours worked by domestic workers and the fact they were sometimes deprived of food. It would be helpful to hear what was being done to protect women domestic workers from the health consequences of those abuses. The report also mentioned programmes for the elderly, but none specifically targeting elderly women.

26. **Ms. Rasekh** asked if there was information on the main causes of mortality and morbidity among women and what specific measures were being taken to treat and prevent mental illness among women, including disorders brought on by domestic abuse and social stress.

27. **Ms. Al Hashimy** (United Arab Emirates) said that the additional data requested by the Committee would be provided. There was a national strategy

targeting health issues of specific concern to women, girls and children at the levels of treatment, prevention and research, and the delegation would be able to provide statistics on its implementation at its next appearance before the Committee.

28. **Ms. Al-Housani** (United Arab Emirates) said that the major causes of female mortality were cancer, cardiovascular disease, accidents and congenital illnesses. There were breast cancer, osteoporosis and cervical cancer programmes for elderly women. While contraception was in use for family planning, birth spacing was emphasized, and breast-feeding encouraged as a means of increasing intervals between pregnancies. There were programmes for adolescents that incorporated material on reproductive health and prevention of sexually transmitted diseases. Mental health treatment was available for adolescents and women

Articles 13 and 14

29. **Ms. Awori** said that most of the details provided in the section of the report addressing article 13 had to do with its subparagraph (c) on participation in athletic activities. It would be helpful to hear more about subparagraphs (a) and (b) relating to the family. The delegation had mentioned that the law gave women access to credit equal to that of men so long as agricultural land was registered in their names. It would be useful to know precisely how many women had actually received loans on that basis, if there were microcredit institutions from which women could obtain loans without collateral, and if migrant woman workers had access to such credit.

30. **Ms. Zou Xiaoqiao** said that it was unfortunate that the report and the responses to the Committee's questions had provided so little information on rural women. She wished to know more about services provided in rural areas, in particular with respect to girls' education, and to hear what national plans were being implemented for the development of rural areas.

31. **The Chairperson**, speaking in her capacity as an expert, asked if the economic crisis had had any effect on the employment of women in either the private or public sectors.

32. **Ms. Al Hashimy** (United Arab Emirates) said that women were entitled by law to own land, and on that basis had the same access to credit as men. Microcredit programmes in the United Arab Emirates

did not follow the Grameen Bank model that had been so successful in predominantly agricultural areas of Asia and Africa, but there were a number of programmes that used loans to encourage entrepreneurship among both men and women. Government services in remote areas were comparable to those in cities, and rural development was an important component of the national economic strategy. The Government was making every effort to ensure that development was evenly distributed geographically. The financial crisis had impacted men and women equally.

Articles 15 and 16

33. **Ms. Jaising** said that the report had stated that on matters clearly spelled out by the sharia there could be no debate. However, there were a number of Muslim organizations such as Sisters in Islam that advocated more flexible interpretations of Islamic law that would bring it into line with the provisions of the Convention. Many Islamic countries had used such interpretation to modify their laws on divorce, age of marriage, child custody and male guardianship of women. She asked if there was any internal debate in the United Arab Emirates about the interpretation of the sharia as it related to gender equality in marriage, divorce and family life. The report also mentioned the breakdown of the extended family, and she wished to know if that had left women more vulnerable and if the Government had given any thought to policies to address that issue.

34. **Ms. Halperin-Kaddari** said that she shared the concern about the report's statement that when it came to the sharia there could be no debate. Regardless of a society's traditions, gender discrimination at any stage of marriage was an infringement of women's basic freedoms. Institutions such as male guardianship, the dowry and polygamy, and practices such as allowing men to beat their wives up to a point, prohibiting Muslim women from marrying non-Muslim men, prohibiting women from leaving the country without a male's permission, denying women custody rights for children over a certain age, and refusing to recognize non-financial contributions made by wives to marital wealth were all violations of article 16 and the Committee's general recommendation No. 21. She also wished to know if there were any female sharia court judges.

35. **Ms. Al Hashimy** (United Arab Emirates) said that there was indeed room for interpretation in Islamic

jurisprudence, and that a middle ground could be found between adherence to Muslim tradition and compliance with international human rights standards. It was often the case in her country that what appeared to be strict interpretations of the sharia in theory were applied flexibly in practice. The United Arab Emirates was learning from the experiences of other Muslim countries in that regard.

36. **Mr. Alawadih** (United Arab Emirates) said that there were many practices that were widely believed to have their origins in Islamic law but were in fact just local customs. As society developed, many of those practices were being discontinued, and many innovations were being introduced. The very presence of the delegation before the Committee was something that could hardly have been imagined a decade or two earlier. As time passed, barriers to women would continue to be removed.

37. **Ms. Belmihoub-Zerdani** said that while many Muslim countries that were signatory to the Convention had expressed reservations about particular provisions, they were firmly committed to the general principle of gender equality. When it came to article 16, Islamic inheritance laws were always an issue, but there were ways to resolve the conflict. In her own country, Algeria, there was a law allowing parents to designate their wealth as a gift to their children upon their death, so that, for example, daughters of families with no male children could get their rightful inheritance while the letter of the sharia was complied with by means of a symbolic amount being given to the nearest male relative in the extended family. Such mechanisms to reconcile sharia law with international human rights obligations should be studied by Muslim countries and in such international forums as the Organization of the Islamic Conference.

38. **Ms. Al Hashimy** (United Arab Emirates), in closing, said that the first of what she expected to be many more appearances of her delegation before the Committee had been fruitful and stimulating, and that the Committee's advice and comments would be taken into consideration in the preparation of upcoming reports.

39. **The Chairperson** said that she hoped that future reports from the United Arab Emirates would be submitted in a more timely fashion than the initial report. She stressed that the Committee was in no way asking the United Arab Emirates to compromise its

cultural identity, but hoped that it would reconsider its reservations to articles 9 and 16, as had other Arab Muslim countries. She also hoped the next report would have more input from non-governmental organizations. Clearly the United Arab Emirates had made progress in reconciling the sharia with women's rights and in combating stereotypes of women. The Committee looked forward to receiving the additional statistics that had been requested by its members, and hoped that progress would be made on accession to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities. Finally, the issue of migrant workers remained a problem, but she was confident that further dialogue would lead to progress on that issue as well.

The meeting rose at 5.25 p.m.