



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

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OF RACIAL DISCRIMINATION
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**WRITTEN REPLIES BY THE GOVERNMENT OF THE UNITED ARAB
EMIRATES TO THE LIST OF QUESTIONS SENT BY THE COUNTRY
RAPPORTEUR IN CONNECTION WITH THE CONSIDERATION OF
THE TWELFTH TO SEVENTEENTH PERIODIC REPORTS OF THE
UNITED ARAB EMIRATES (CERD/C/ARE/12-17)***

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

Population by age group and sex															
Age group	1975 census			1985 census			1995 census			2005 census			2006		
	Males	Females	Total	Males	Females	Total	Males	Females	Total	Males	Females	Total	Males	Females	Total
0-4	34 298	32 996	67 294	96 681	92 464	189 145	109 524	103 525	213 049	145 601	136 538	282 139	149 518	140 008	289 526
5-9	27 281	25 604	52 885	79 668	75 182	154 850	112 984	103 307	219 291	139 929	129 453	269 382	143 677	132 708	276 385
10-14	20 501	16 550	37 051	50 349	46 241	96 680	104 885	97 169	202 054	130 778	118 279	249 057	134 136	121 156	255 292
15-19	25 935	14 783	40 718	38 762	34 514	73 276	83 438	75 471	158 909	121 388	110 838	232 226	124 423	113 459	237 882
20-24	57 563	15 629	73 192	75 667	47 325	122 992	139 868	77 882	217 750	272 036	161 530	433 566	280 635	165 701	446 336
25-29	71 323	17 004	88 327	144 548	58 178	202 726	238 104	88 409	326 513	483 657	178 137	661 794	500 172	182 980	683 152
30-34	48 085	11 447	59 532	141 201	44 659	185 860	229 066	80 213	309 279	489 879	150 482	640 361	506 717	154 672	661 389
35-39	36 573	10 120	46 693	111 934	31 460	143 394	219 961	68 740	288 701	386 762	113 844	500 606	399 855	116 971	516 286
40-44	23 668	6 614	30 282	66 446	17 057	83 503	161 583	41 646	203 229	262 718	78 543	341 261	271 277	80 669	351 946
45-54	10 130	4 864	14 994	21 951	7 811	29 762	51 655	13 694	65 349	107 339	31 539	138 878	110 609	32 341	142 950
55-59	4 555	2 585	7 140	10 557	4 952	15 509	25 046	8 344	33 390	51 303	15 804	67 107	52 803	16 185	68 988
60-64	4 804	3 091	7 895	5 542	4 083	9 625	10 407	5 553	15 960	18 820	8 527	27 347	19 332	8 715	28 047
65-69	2 566	1 538	4 104	3 718	2 988	6 706	6 492	4 597	11 089	9 172	5 285	14 457	9 385	5 393	14 778
70-74	2 007	1 729	3 736	2 678	2 305	4 983	3 651	3 180	6 831	5 391	4 013	9 404	5 506	4 091	9 597
75-79	705	630	1 335	1 149	995	2 144	1 649	1 460	3 109	2 440	1 837	4 277	2 495	1 873	4 368
80+	1 027	1 088	2 115	1 440	1 530	2 970	2 194	2 163	4 357	2 787	2 604	5 391	4 565	4 426	8 991
Not stated	457	60	517	240	91	331	131	34	165	1 682	1 722	3 404	0	0	0
Total	386 427	171 460	557 887	895 600	483 703	1 379 303	1 606 804	804 237	2 411 041	2 806 141	1 300 286	4 106 427	2 895 000	1 334 000	4 229 000

2. ***Please specify the legislative provisions enunciating the principle of equal rights and obligations and the prohibition of all forms of racial discrimination, as referred to in paragraph 68 of the State report.***

Reply:

The Constitution of the United Arab Emirates is the basic authority for the various aspects of legislation and law. It sets out the rights and obligations of individuals in society and the country's legislature has endeavoured to ensure that there is no discrimination among citizens of the Emirates on any basis, as reflected in the body of laws and legislation. Furthermore, it has taken into account the nature and needs of women, children and the disabled by enacting legislation dedicated to their protection.

Principles and rights set forth in the Constitution

- *Equality of men and women:*

Article 14: "Society shall be based, inter alia, on equality, social justice, security, peace and equal opportunities for all citizens, who shall be bound together by the strongest ties of solidarity, mutual love and understanding."

Article 25: "All individuals are equal before the law and there shall be no discrimination among citizens of the Federation on grounds of origin, ethnicity, religious belief or social status."

- *Personal freedom:*

Article 26: "Personal freedom shall be guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned other than in accordance with the provisions of the law. No person shall be subjected to torture or to degrading treatment."

- *Freedom of belief and worship:*

Article 32: "Freedom to perform religious observances in accordance with established traditions shall be safeguarded, provided that no breach of public order or offence to public morals is entailed."

- *Freedom of thought and expression of opinion:*

Article 30: "Freedom of opinion and of oral, written and all means of expression shall be guaranteed within the limits of the law."

- *Right to social care and social security:*

Article 16: "Society shall cater for the welfare of children and mothers and protect minors and other persons unable to care for themselves for such reasons as sickness, infirmity, old age or

involuntary unemployment. It shall assist and rehabilitate such persons for their benefit and for that of society. Such matters shall be regulated by the laws on public assistance and social security.”

As a society, the Emirates consequently believes that the education of the family, mothers and children is a function and responsibility of the community.

- *Right to education:*

Article 17: “Education is a fundamental factor in social progress. Within the Federation, it shall be compulsory at the primary level and free of charge at all levels. The requisite plans for the expansion and universalization of education at all levels and for the eradication of illiteracy shall be established by law.”

- *Right to health care:*

Article 19: “Society shall guarantee to all citizens health care and facilities for the prevention and treatment of diseases and epidemics and shall encourage the establishment of public and private hospitals, clinics and treatment centres.”

- *Freedom of postal, telegraphic, telephonic and electronic correspondence:*

Article 31: “The freedom and confidentiality of postal and telegraphic correspondence and of other means of communication shall be guaranteed in accordance with law.”

- *Freedom of assembly and association:*

Article 33: “Freedom of assembly and association shall be guaranteed within the limits of the law.”

- *Freedom of ownership:*

Article 21: “Private ownership shall be safeguarded and the restrictions applicable to it shall be prescribed by law. No one shall be divested of his property, except in the cases necessitated by the public good in accordance with the provisions of the law and in return for fair compensation.”

- *Right to address a complaint to the public authorities:*

Article 41: “Any person may submit a complaint to the competent authorities, including judicial bodies, concerning violations of the rights and freedoms set out in the present chapter.”

- *Freedom of movement:*

Article 29: “Freedom of movement and residence shall be guaranteed to citizens within the limits of the law.”

- *Freedom to establish a family:*

Article 15: “The family, sustained by religion, morality and patriotism, shall constitute the cornerstone of society. The law shall guarantee its integrity and shall safeguard and protect it against corruption.”

- *Right to work:*

Article 20: “Society values work as a mainstay of its progress. It shall seek to provide employment and employment training for its citizens and create appropriate conditions for doing so by elaborating legislation to safeguard the rights of workers and the interests of employers, in the light of modern international labour legislation.”

Article 34: “Every citizen shall be free to choose his occupation, profession or trade within the limits of the law and in conformity with the legislation regulating certain professions and trades. No one may be subjected to forced labour except in the exceptional cases provided for by law and in return for compensation. No person may be enslaved.”

- *Right to hold public office:*

Article 35: “Access to public office shall be afforded to all citizens on the basis of equality and in accordance with the provisions of the law. Public office is a national service entrusted to those who perform it. A public servant shall aim to discharge his official duties solely in the public interest.”

- *Right of litigation:*

Article 41: “Any person may submit a complaint to the competent authorities, including judicial bodies, concerning violations of the rights and freedoms set out in the present chapter.”

3. ***Please provide further detail as to the steps taken to strengthen the judiciary, as referred to in paragraph 70 of the State party report. What means are used to safeguard the independence of the judiciary?***

Reply:

I. Provisions set forth in the Constitution

In its sections and articles, the Federal Constitution of the United Arab Emirates regulates all essential matters governing the judiciary and the level of courts, establishes guarantees to ensure that there is no interference in the affairs of judges and that their impartiality remains intact, and entrusts their affairs to a judicial council (the Supreme Council of the Federal Judiciary).

The Constitution provides for the independence of the judiciary, which constitutes one of the State’s main branches of authority, alongside the executive and legislative branches.

Article 94 of the Constitution also explicitly provides for the independence of the judiciary: “Justice is the basis of government. In performing their duties, judges are independent and are subject to no authority other than the law and their own conscience.”

The Constitution furthermore governs the Federal Supreme Court and the appointment of its judges, stipulating that they cannot be removed from office and that the rulings of the Federal Supreme Court are final and binding on all.

II. The Federal Judicial Authority Act

Article 1 of the Federal Judicial Authority Act No. 3 of 1983 provides that: “Justice is the basis of government. In performing their duties, judges are independent and are subject to no authority other than the provisions of the Islamic Shariah and the laws in force, and their own conscience. No person or authority may undermine the independence of judges or interfere in matters of justice.”

The federal judicial authority comprises the federal courts and the Federal Office of Public Prosecutions. Under the terms of the Act, all matters relating to the employment of judges are entrusted to the Supreme Council of the Judiciary, which seeks to achieve the independence of the judiciary and is competent to:

1. Provide an opinion on matters relating to the judiciary and the Office of Public Prosecutions, and consider and propose legislation for development of the judicial systems;
2. Provide an opinion concerning the promotion, secondment and appointment of judges and members of the Office of Public Prosecutions, in accordance with the law;
3. Perform other special functions entrusted to it pursuant to the law;

Subject to the provisions of the Act, the Supreme Council of the Federal Judiciary exercises all of the special functions of the Civil Service Council and the Department of Employees’ Affairs, as prescribed by laws and regulations, with regard to officers of the judiciary and members of the Office of Public Prosecutions;

4. The appointment of judges and their removal from office is by a decree issued by the Head of State.

Subject to the provisions of article 96 of the Constitution concerning the appointment of the president and justices of the Federal Supreme Court, the initial appointment of officers of the judiciary to the federal courts is by a federal decree issued by the Head of State, at the proposal of the Minister of Justice, Islamic Affairs and Awqaf.

Immunity of judges

Judges may not be removed from office and nor may their mandate be terminated other than for one of the following reasons:

1. Death.
 2. Resignation.
 3. Expiration of the term of contract, if under contract, or of the period of secondment, if on secondment.
 4. Attainment of retirement age.
 5. Proven incapacity to perform the functions of their office for reasons of health, which must be established by a decision of the competent health authority.
- 4. *Please provide further information on plans for the establishment of an independent national human rights institution in accordance with the Paris Principles, as referred to by the State party delegation during the Universal Periodic Review at the tenth session of the Human Rights Council.***

Reply:

The competent authorities have prepared an integrated study on the establishment of an independent national human rights commission on the basis of: the provisions of chapters II and III of the Constitution concerning rights and freedoms in the interests of equality, social justice and the protection and promotion of human rights; the Paris Principles relating to the status of national institutions for the promotion and protection of human rights, adopted by consensus in 1992 by the United Nations Commission on Human Rights and annexed to United Nations General Assembly resolution 48/134 of 20 December 1993, which encourages States to establish independent human rights institutions; and the voluntary pledge by the State, annexed to its national report presented to the Working Group on the Universal Periodic Review of the Human Rights Council on 4 December 2008.

- 5. *What bodies exist to monitor possible discriminatory practices in access to health, education or leisure facilities?***

Reply:

In the United Arab Emirates, numerous government institutions and agencies and philanthropic organizations play a useful role in monitoring possible discriminatory practices relating to these rights. They are as follows:

1. The judicial authority in the form of the State courts: Article 41 of the Constitution provides that: "Any person may submit a complaint to the competent authorities, including judicial bodies, concerning violations of the rights and freedoms set out in the present chapter." Article 25 of the Constitution provides that: "All individuals are equal before the law and there shall be no discrimination among citizens of the Federation on grounds of origin, ethnicity, religious belief or social status." Consequently, if any kind of discrimination is practised against any person in connection with his rights of access to health, education, leisure or other facilities, he is entitled to lodge a complaint with the courts.

2. The Federal National Council: The Council has various methods at its disposal for monitoring governmental agencies, including the submission of questions to any relevant minister and the tabling of a public affairs topic for discussion. Through its discussion of bills, the Council plays a key monitoring role designed to outlaw any discriminatory practices in connection with rights of access to the country's health, education and leisure facilities.

In addition to the aforementioned monitoring methods, the National Council plays an important role, through a complaints committee, in ensuring that no one is subjected to discrimination; it receives complaints from the public, considers them by way of the competent committee and endeavours to find solutions for eliminating any kind of discrimination to which a person may be subjected.

3. The Emirates Human Rights Association: The Association receives complaints from the public and works for solutions in cases where any of the safeguarded rights of individuals have been violated. It also submits reports on such violations to the bodies concerned.

4. The General Department of Legal and Regulatory Oversight at the General Command of the Dubai Police and the Department of Human Rights at the Ministry of the Interior: Both Departments receive complaints from the public, including complaints relating to discrimination against individuals, and seek to resolve them. They also submit reports on these complaints to the bodies concerned.

5. The Dubai Community Development Authority: The Authority handles complaints from the public relating to services provided by local departments in the Emirate of Dubai. Through contact with the departments and authorities in the Emirate, it seeks to resolve such complaints and eliminate any kind of violation to which a person may be subjected. The Authority also endeavours to investigate all matters relating to any form of violation of rights, including discrimination, and submits reports to the bodies in the Emirate that are concerned with eliminating any discrimination that violates rights and freedoms.

6. *With reference to the Abu Dhabi Gulf Cooperation Council Conference on Contractual Labour in January 2008, please indicate which measures have been taken, besides those mentioned in paragraphs 113 to 134 of the State party report, to further improve the working and living conditions of migrant workers, especially in the construction sector.*

Reply:

A tripartite memorandum of understanding was signed between the United Arab Emirates, the Republic of India and the Republic of the Philippines, covering mechanisms for the implementation of a model programme for managing the cycle of contractual labour, beginning on 1 July 2009. A sample of 1,500 workers from India and the Philippines is to be selected and recruited for employment in the Emirates in the construction, health and hotel services sectors. Best practices are to be recorded during the four stages of their contractual cycle (recruitment, preparation for the move to the country for employment, their stay in the country, preparation for the return to their country of origin and lastly, reintegration into their home communities) as a preliminary to the formulation of a multilateral framework of understanding for presentation to the next meeting of the group of States involved in the Abu Dhabi Dialogue.

New initiatives by the State to safeguard the rights of workers include a complaints system for those who have dealings with the Ministry of Labour. Launched in September 2008, the initiative comprises an integrated management system founded on best international practices and standards for dealing with complaints in an effective and competent manner. The system is based on following a specific procedure for dealing with employers, workers and others with business at the Ministry in order to achieve a final outcome; complaints are received, studied and then processed, after which they are used to improve performance. Lastly, their effects are gauged.

There are several methods for the submission of complaints, which may be done by: consulting staff at the customer service counter or contacting the help centre (800665); visiting the online site (www.mol.gov.ae); depositing the complaint in the complaints box; or transmitting the complaint by facsimile (042612720). Between the launch of the initiative and the end of June 2009, 1,225 complaints were investigated.

The centre communicates with its customers in an assortment of languages, including Arabic, English, French, Urdu, Hindi, Malayam, Tagalog, Farsi, Tamil, Russian, Somali and Pashto. There is also a (legal) service to answer legal queries from workers and employers. In this context, 567,993 calls have been handled since the service was launched in March 2007 to the end of June 2009.

In order to establish an interactive system among workers, employers and the Ministry and meet their essential needs, the e-Netwasal service was inaugurated on 19 October 2008 to provide free and direct round-the-clock access to basic information on all companies for employers, including personal particulars, company particulars, worker registers, company status, labour card status and salary certificate, as well as other information and company reports. Workers can also access the service to obtain and print out information concerning their labour cards and contracts.

Wages Protection Office

The Wages Protection Office was established by Ministerial Decision No. 988 of 2008, dated 21 October 2008, reflecting the Ministry's awareness of the importance of wages protection as the key factor defining the relationship between worker and employer.

The core competences and functions of the Wages Protection Office include the elaboration and implementation of an integrated system for monitoring wages protection and working hours; the implementation of a project for the transfer of workers' wages through banks and financial institutions; communication with companies to elicit their payment of wages; and contact with workers to handle complaints concerning the lack of timely payment of wages in full or in part. Another key function of the Office is to conduct inspection visits to check that companies are compliant with the wage payment requirements.

The "My Salary" service

The Ministry has launched an alert service through which workers in any private-sector firm can report late or non-payments of salary and illegal deductions, thereby affirming the principle of wages protection initiated by the Ministry's establishment of a dedicated wages

protection office. By simply contacting the free phone number (800655) or entering the Ministry's website (www.mol.gov.ae), a worker can register his wages complaint, which is treated with full confidentiality by labour inspectors. Between the launch of the service and the end of June 2009, 643 complaints were received and 224 were actioned.

Wages protection system (WPS) (salary transfer by banks and financial institutions)

WPS is an electronic system introduced by the Ministry of Labour, in association with the Central Bank. This system affirms the endeavour of the Government of the United Arab Emirates to protect the rights of all parties to the production process (workers and employers) and the importance of the principle of wages protection. It was announced on 26 May 2009.

The system ensures that the Ministry is fed essential data and information on transactions involving wage payments to workers in the private sector and on the extent to which firms comply with requirements for the correct payment of wages at a set time. Preventive measures can therefore quickly be taken to minimize labour disputes relating to wages.

The employer chooses any of the agents (banks, currency-exchange companies and financial services companies) participating in the system under licence from the Central Bank and may indeed choose more than one with which to deal.

After the client's bank receives the sums of money earmarked for workers' wages, the wages data are sent to WPS, which transmits them to the agent for payment. This information is simultaneously delivered to the Ministry of Labour.

The system gives an alert of companies that are late in paying workers' wages so that appropriate measures can be taken against such companies and labour inspectors sent to their sites.

The Ministry is to allow sufficient periods of time for companies to participate in the system. At the end of these periods, no company will be able to benefit from the services of the Ministry unless it participates in WPS, in addition to which the prescribed measures for failure to participate in the system will be taken.

7. *In this context, also please indicate if labour cities like the workers' housing complex project with projected accommodation for 32,000 workers in Abu Dhabi, referred to in paragraph 140 of the State report, have been completed. If so, how many such projects have been completed?*

Reply:

The Government of the United Arab Emirates has devoted enormous attention to workers' housing and the supply of suitable accommodation. Of all of the company inspection visits made by inspectors from the Ministry of Labour in 2008, 13,422 were for the purpose of monitoring compliance with occupational health and safety standards and conformity with the specifications and standards required for new accommodation. Each company submitting an application for a group work permit or e-quota, or through the periodic visits by inspectors, is required by the Ministry to provide proof of accommodation that complies with the set standards. No application is approved until after the Ministry's inspectors have ascertained the suitability of the

accommodation. Given the importance of this matter, the Cabinet issued Decision No. 13 of 2009, dated 17 March 2009, adopting a guide to general criteria for workers' accommodation complexes and amenities, pursuant to which the competent authorities are under obligation, from 1 September 2009, to grant building permits for such complexes only in accordance with the terms of the decision. The criteria were developed by the State authorities responsible for workers' accommodation in conjunction with specialist consultancies, taking into account relevant best international practices and standards.

Table of projects and status of implementation:

Site	City	Capacity	Progress of work
M41 Mussafah	ICAD Residential City	50 000	Completed in 2009. Currently has 40 000 occupants.
M24 Mussafah	Workers' Village	25 000	To be ready for occupation by the end of 2009.
M36/A Mussafah	Modern accommodation city	25 000	40 per cent complete. Occupation of phase I to be commenced in August 2009 and completed in 2010.
M36/B Mussafah	ECO Village	20 000	Suspended. Construction not begun.
(A1C1-1) M46 Al-Ain	Workers' Village	15 000	To be ready for occupation in October 2009.
(A1C1-2) M46 Al-Ain	Workers' Village	15 000	Reallocation under way.
(A1C2) M46 Al-Ain	Workers' Village	15 000	Takeover of land and submission of plans under way.
Total		180 000	

Temporary cities:

Site	City	Capacity	Progress of work
F1 Mafriq	Mafriq	47 000	Phase I - 27 000 at 31 July 2009. Project completion date - 31 October 2009.
F2 Mafriq	Wathbah	130 000	Completion date between 30 June and 31 August 2009.
H1 Hamim	Hamim	75 000	Construction work under way in two cities with a capacity of 40 000, to be completed in June and August 2009.
Fayah/Suwaihan	6 sites	240 000	Land distributed and plans submitted by some investors.
Total		492 000	

“Fast” cities:

Site	City	Capacity	Progress of work
Fayah/Jisr	Fayah	47 000	Currently 70 per cent occupied by beneficiary companies.
Fayah - 1	Fayah/Sih Shu`aib	23 000	Currently 20 per cent occupied by beneficiary companies.
Fayah - 2	Fayah/Sih Shu`aib	25 000	Companies have begun to erect temporary housing.
Fayah/Suwaihan	Adlah (101)	30 000	Allocation and takeover of land under way.
Total		134 000	

8. *What measures have been taken to verify that contractual arrangements, in particular those made through foreign recruitment agencies, follow basic principles of fairness and equity? What measures have been taken to ensure that fees charged by these agencies do not leave employees in debt for prolonged periods?*

Article 18 of the Labour Act states as follows:

“No licensed employment agent or labour supplier shall demand or accept from any worker, whether before or after the latter’s admission to employment, any commission or material reward in return for having found him employment, or charge him any costs, except as prescribed or approved by the Ministry of Labour and Social Affairs. Persons supplied by an employment agent or labour supplier shall, immediately on entering employment, be regarded as employees of the employer and shall have all the rights of the employees of the firm in which they are employed. They shall relate directly with the employer, without any involvement of the employment agent, whose function and relationship with them shall cease as soon as they are supplied to the employer and enter into his service.”

This was affirmed by Ministerial Decision No. 52 of 1989, which states that all fees are to be paid by the employer before the worker arrives in the country. It has been noted, however, that some foreign recruitment agencies charge fees to workers. Although the State bears no responsibility for such practices, it took the initiative to hold the Abu Dhabi Dialogue, at which all Asian labour-sending and labour-receiving countries agreed on the need for action to eliminate these damaging trends in the field of recruitment.

The Ministry of Labour is seeking to promulgate new legislation covering licence conditions and standards for the monitoring of recruitment agencies, for which purpose it has called on the services of an expert commissioned by the International Labour Organization. The Ministry is also endeavouring to elaborate a mechanism for coordination with the Governments of labour-sending countries with which it has signed memoranda of understanding on labour recruitment. The mechanism is designed to monitor recruitment agencies in both the country of

origin and in the United Arab Emirates through joint technical committees, the aim being to check compliance with joint standards, in particular the requirement to refrain from taking recruitment fees from workers and to confine any payment of fees to the employer. This topic is the main item on the meeting agenda of the joint technical committees.

9. *Has the State party taken any measures against the practice by which migrant workers' passports are retained by employers?*

Reply:

Domestic legislation, primarily the Constitution of the State, guarantees freedom of movement of individuals. Consequently, any form of restriction on this freedom is forbidden and it is prohibited by law to retain passports; a passport is a personal right and it cannot be retained other than by a court ruling. Indeed, the Ministry of the Interior has issued a circular to the effect that no person's passport can be retained other than pursuant to a court order or ruling. Some workers, however, fearing that their passports may be lost or damaged, choose to surrender them for safekeeping to their employers or to the companies for which they work. At the same time, a worker is entitled to demand his passport at any time and, if the employer refuses to hand it over, to turn to the Ministry of Labour for help in seeking its return in conjunction with the Ministry of the Interior. He may also resort to the summary judge to demand the return of his passport.

10. *According to paragraph 132 of the State report, the State party has elaborated a standard employment contract for domestic workers. Does this contract include the right to a weekly day of rest and provisions on specified working hours and paid vacations? In this context, please also provide further information on the new law to protect domestic workers, referred to by the State party delegation during the Universal Periodic Review at the tenth session of the Human Rights Council, and on a time frame for its coming into force.*

Reply:

The issue of domestic servants and workers is a matter of great concern to the United Arab Emirates, which, in April 2007, imposed a standard employment contract at the federal level for domestic assistants and persons of similar status. The standard employment contract regulates the work of persons in these categories in line with the nature of the work and the tasks undertaken. It also covers such other aspects as health care, earnings, period of contract and the need for adequate rest breaks, as well as the provision of treatment and health care in accordance with the country's current health regulations. Wages are set by agreement between the two parties. Paragraph 1 of the contract specifies the full amount of the wage payable at the end of each month and both parties must sign the wage table, drawn up in both Arabic and English, showing that payment has been made and received.

The State is currently drafting a law on domestic assistants, which will cover domestic servants and persons of similar status and regulate the contractual relationship with respect to domestic labour, including the full rights and obligations of all contractual parties, complaints bodies, litigation procedures, working hours, permits of all kinds and wages. The constitutional measures for its promulgation will be taken as soon as drafting is complete.

11. Please provide further information on a time frame for the procedures to grant nationality to stateless residents (“Bidun”), referred to in paragraph 98 of the State report.

Reply:

Concerning the time frame for granting nationality to the category of persons without substantiating documents, it can be said that the State is endeavouring to resolve this problem as soon as possible, as exemplified by the issuance of Federal Supreme Council Decision No. 2 of 2005 agreeing to resolve the problem of persons without substantiating documents. Needless to say, the Federal Supreme Council is the highest authority in the United Arab Emirates. In order to implement the Supreme Council decision, it was essential to take stock of those in this category and examine their situation. The Minister of the Interior therefore issued Ministerial Decision No. 167 of 2006 on the restructuring of the Committee on the Status of Stateless Persons. The Committee’s mandate was to conduct a census of persons entitled to nationality who were in the country prior to the establishment of the Federation and who had been previously counted, with priority given to those working in government jobs and demonstrating a long service record. In the second phase, in conformity with the decision of the Federal Supreme Council, a Supreme Committee was established pursuant to Ministerial Decision No. 345 of 2008 to deal with technical matters relating to persons without substantiating documents. In accordance with article 2 of the decision, the Supreme Committee is following up all aspects of the case file of those without substantiating documents who fell outside the purview of the Committee established pursuant to Ministerial Decision No. 167 of 2006. The Committee is also mandated to elaborate a mechanism for closing the case file of those without substantiating documents for submission to the Cabinet. Furthermore, the official press carried an announcement for those without substantiating documents to come forward with their pieces of evidence within a set period. The Committee examined the files of a large number of these persons and procedures for granting them nationality were completed. The Committee is now examining the other files before it in preparation for the final closure of this case file.

12. Please also indicate whether the State party has taken any measures to improve the situation of discrimination against the remaining “Bidun” on the labour market.

Reply:

Since the establishment of the Federation, the United Arab Emirates has been concerned to resolve the problem of persons without substantiating documents. Indeed, the Government has issued several decrees and decisions and created a number of advisory committees to find appropriate and effective solutions to settling the situation of this category, on the basis of the principles of Islamic law and the Constitution and laws of the State, which require respect for human rights. In line with the policy of the United Arab Emirates of promoting and protecting human rights as a national mission, the State has sought to provide a decent lifestyle for this category by way of:

- Free education in government schools
- Free treatment in public hospitals and clinics

- Provision of free housing in certain cases
- For those in financial difficulty and those who have settled their legal status in the country, exemption from all fines having arisen out of those circumstances
- Issuance of temporary registration cards enabling them to avoid any legal consequences or prosecution and enjoy protection until such applications are directly and finally decided

13. *Please indicate whether the State party considers amending the nationality law to enable a female citizen married to a foreign man to pass on her nationality to their children. In this regard, please further elaborate on the information provided in paragraph 97 of the State report.*

Reply:

The United Arab Emirates, through the competent authorities, is considering the situation of children of female citizens married to foreign men, in the light of the country's laws on nationality and residence. An advisory committee was formed to carry out a legal study on granting the nationality of the State to the children of female citizens who are fathered by foreign men and hold the nationality of their father and whose parents remain married. As a result of this study, an amendment to the Nationality and Passports Act was drafted to grant the mother's nationality to the children of a female citizen and a foreign man, in accordance with conditions to be set by the implementing regulations for this Act, which will be promulgated as soon as the required constitutional procedures are complete.

14. *Has the State party taken any measures, as recommended by the Committee of the Rights of the Child, to ensure that all children within its jurisdiction, including non-national children, enjoy equal economic and social rights, particularly to health and education?*

Reply:

The United Arab Emirates takes great interest in the situation of children and has put in place legislation and programmes to cater for the health care and social, educational and psychological well-being of children, mothers and the family in general. Believing as it does in the importance of children, the State acceded to the Convention on the Rights of the Child and declared its commitment to all of its articles, in conformity with Islamic teachings and the cultural heritage of the State. In this context, the United Arab Emirates is currently drafting a law on child protection encompassing all of the children's rights articulated in the Convention on the Rights of the Child and containing essential chapters on education and health in particular, as well as a chapter on rights to development. A substantial part of the bill is also devoted to leisure and to spiritual matters in order to shape generations who are in touch with reality and to preserve their national gains. It should be mentioned that the bill on children's rights is built on a foundation whereby "every child shall enjoy all rights, without discrimination on grounds of

gender, colour, nationality, religion, language, ethnicity or any other type of distinction”. It also provides that “the State shall take all appropriate measures to protect children from all forms of discrimination with the aim of ensuring true equality and the enjoyment of all rights set forth in this Act”.

We should also like to mention that the United Arab Emirates has earmarked US\$ 1.5 million for the financing of a joint project between the Government of the United Arab Emirates and the United Nations Children’s Fund (UNICEF) aimed at providing support and assistance to the United Arab Emirates in affording the rights of children and the elderly, most of whom are in need of care and protection. The project seeks to:

- Ensure that children generally and those in early childhood in particular have the benefit of well-developed laws, regulations and policies based on the rights of the child, in which they have an influential role
- Provide the opportunity for children and those in early childhood to obtain outstanding care and education, thus giving them free rein to develop their abilities and potential and realize their opportunity for a healthy and active life
- Guarantee better protection for children, particularly those with special needs, by liberating them from violence, exploitation and ill-treatment

15. *Do any distinctions, preferences or prejudices exist within the citizenship of the United Arab Emirates, for example on the grounds of ethnic background or colour of skin? If so, please indicate whether the State party has taken any measures to address such distinctions, preferences or prejudices.*

Reply:

Article 25 of the Constitution provides that: “All individuals are equal before the law and there shall be no discrimination among citizens of the Federation on grounds of origin, ethnicity, religious belief or social status.” In accordance with their religious tradition and cultural legacy, the people of the United Arab Emirates are a harmonious people among whom there is no form of discrimination on grounds of colour, origin or race.

16. *Please specify what status the Convention enjoys in the domestic legal order and if it can be invoked directly before national courts. If so, please provide examples of cases, if any, in which the Convention was directly applied by domestic courts.*

Reply:

Accession to treaties is completed through their ratification by a decree of the Head of State, in that a treaty or convention ratified in accordance with the constitutional system becomes a part of the State’s legal system and is published in the Official Gazette in order for its provisions to enter into force accordingly. It then becomes applicable, without the requirement for any further procedure.

The treaty or convention also becomes a part of domestic law. People may therefore invoke its provisions during legal proceedings and claims before the courts, which are bound to apply those provisions in the same way as any other law promulgated in the State.

The Federal Supreme Court (Court of Cassation) has issued a number of judgements establishing this fact and determining that the provisions of international treaties and conventions have the status of domestic law and may be invoked in the matters which they govern. The lower courts are bound by the principles determined by the Supreme Court. Examples are:

- The judgement in Appeal No. 143 (judicial year 10, session of 27 December 1988) concerning litigation procedures in air transport cases established the requirement for compliance with the provisions of the relevant Convention
- The judgement in Appeal No. 366 (judicial year 21, session of 20 March 2001) established the requirement for treaties and conventions to be applied as a special law

17. *What provisions exist to ensure that foreigners can benefit from legal assistance, translation and interpretation in court proceedings and police custody where necessary?*

Reply:

1. The stage where a case is passed to the police is the stage where factual material (evidence) is collected insofar as evidence of the occurrence of a specific crime is gathered and linked with the suspect. The Code of Criminal Procedure contains nothing to prevent a lawyer or interpreter from being present during that stage. On the contrary, the security authorities endeavour to provide interpreters during this stage in order to gather as much information as possible before referring the case to the Office of Public Prosecutions.

2. Appointment of a lawyer: The laws in the United Arab Emirates stipulate that every person, whether in civil or criminal proceedings, may appoint a lawyer to defend him or claim his rights.

Article 55 of the Code of Civil Procedures provides that: "The court shall accept whomsoever is appointed by the litigants to represent them in accordance with the provisions of the law." Article 100 of the Code of Criminal Procedure provides that: "The lawyer for the accused must be permitted to attend his questioning and examine the investigation papers ...".

3. Assistance of an interpreter or expert: Article 77 of the Code of Civil Procedure provides that: "The court may call upon the services of an appointed or certified interpreter ... It may also call upon the services of an interpreter from any other party ...".

Article 70 of the Code of Criminal Procedure provides that: "If the Office of Public Prosecutions decides to hear statements from the accused, the litigants, the witness or other third parties who do not know the Arabic language, a member of the Office of Public Prosecutions must call upon the services of an interpreter, who is required to take oath that he will perform his duties with honesty and sincerity."

18. Please indicate whether the State party considers establishing a body such as a Mediator or Ombudsman, helping migrant workers to defend their rights.

1. Measures undertaken by the Ministry of Labour to resolve complaints from migrant workers

Article 6 of the Labour Code states that: “An employer, a worker or a beneficiary of either party who disputes any of the rights of that party under the Labour Code must apply to the competent labour department, which shall summon the two parties to the dispute and take such action as it deems necessary for an amicable settlement of the dispute between them. If no settlement is reached, the labour department shall, within two weeks of the date of submission of the application to it, refer the dispute to the competent court and submit an accompanying memorandum containing a brief description of the dispute and the magnitude of the losses of the two parties, together with its own comments. Within three days of the date on which the application is received, the court shall set a date for a hearing to consider the case and notify both parties. The court may request the attendance of a representative of the labour department to explain the content of the memorandum submitted by the department.”

Consequently, the Ministry is both a mediator and an ombudsman in resolving labour complaints. It has designated 10 departments and sections for the examination of workers’ complaints at the State level, employing almost 100 administrative and legal personnel who are responsible for receiving and examining workers’ complaints and attempting to achieve conciliation and settlement of the dispute within the period specified by law. If a settlement is rejected by either the worker or the employer, it is referred to the courts for prompt settlement, without the worker incurring any cost at any level of litigation or shouldering any damage from his complaint. If an award is made in favour of the worker, his situation may be rectified without reference to the employer. In the same context, 10 courts and special divisions at the local court level have been designated to examine and settle labour disputes. In some courts and judicial departments dealing with labour issues, the conciliation committees established have helped to resolve many labour disputes before they are referred to the judge. The Ministry also facilitates various matters for workers through some of the offices it has established at the courts. A worker has the right to apply for a temporary work permit during the period of litigation. Researchers are also required to respond daily to verbal and written queries from workers and employers throughout working hours in certain offices and during specific hours in others, either directly or through the Ministry’s help centre (legal service).

In 2008, there were 32,368 labour disputes involving 46,862 workers, comprising 1.1 per cent of the total labour force registered with the Ministry. A total of 6,471 complaints were referred to the courts, whereas 38,220 were settled.

2. Measures undertaken by the Ministry of the Interior to resolve complaints from migrant workers

The Ministry of the Interior resolved to provide protection and assistance by establishing special sections dedicated to handling complaints from this category and looking into disputes arising between the parties to the relationship. In all, eight such sections are located throughout

the country and have the task of considering the cases put to them through a permanent open help line for receiving these complaints. The necessary care is provided to victims of violence or ill-treatment.

19. Please provide further information on the establishment of women's and children's refuges and a humanitarian mission of protection of women and children who are victims of human trafficking and sexual exploitation, as referred to in paragraph 62 of the State report. Regarding the Federal Act No. 51 of 2006 on combating human trafficking, please provide information on a time frame for the establishment of the National Committee on Human Trafficking, as referred to in paragraph 57 of the State report.

Reply:

The functions of the National Committee on Human Trafficking are as follows:

- To develop the necessary frameworks for implementation of the new Human Trafficking Act; work methodically to assess the measures being taken by the Government to apply the law; and assist coordination among the ministries and government departments engaged in combating human trafficking, a coordinating role that is extremely important in view of the State's federal system and indicative of the increasing focus on the collaborative efforts of all local and federal government authorities to monitor and prosecute human trafficking crimes
- To study and update the legislation governing matters relating to human trafficking in order to bring the Emirates efforts in that area up to international standards and improve domestic legislation as required by the facts on the ground; report on the measures taken by the State to combat human trafficking; and make proposals to the Cabinet on that subject
- To provide the resources needed to raise awareness of the various aspects of human trafficking
- To develop training and refresher programmes for the authorities, bodies and individuals involved in dealing with victims of human trafficking
- To serve as the official representative of the State in international debates, inquiries and forums relating to human trafficking

2. The Dubai Foundation for Women and Children: Established in 2007, the Foundation aims to provide support and psychological care for all women, both citizens and migrants, who fall victim to human trafficking, domestic violence, family neglect, ill-treatment from employers and other social problems. Protection is seen as the first step to institutional support for victims in the context of international standards. The Foundation is run by an independent governing board to ensure the best standards of management and monitoring of the refuge's operations. It plays a

vital role in improving social services for victims by providing places of refuge where the psychological and physical consequences of violence, repression and neglect can be overcome and is also linked with international refuge centres to make it easier for victims to be seen by their relatives in a manner that guarantees their safety.

The Foundation has its own school that can cater for up to 300 students and the complex is surrounded by green spaces where children can play. It also has indoor play areas and a well-equipped play room, in addition to facilities for football, basketball and volleyball for adults and a cafeteria.

The following details highlight the Foundation's refuge activities from 2007, when these operations began, to December 2008:

- A total of 43 victims of human trafficking were handled by the Foundation, representing 20 per cent of the overall number of victims who received help
- Only five of the 43 victims remained in the care of the Foundation by the end of 2008
- Most victims were referred to the Foundation by the Dubai Police and various human rights departments and only in two cases did the victims turn to it directly
- The victims of human trafficking stay for a period of between one to five days, which translates into a daily average of 48

3. The Social Support Centre at the General Command of the Dubai Police: The Social Support Centre was established in 2003 on the basis of a number of principles and values, including in particular respect for human rights in accordance with the Shariah and the rule of law. Pursuant to article 6 of the Centre's regulations, it is competent to deal with cases connected with family violence for which official reports are not required, cases relating to school violence, cases of children who go missing from the family home that are not reported to the police, petty juvenile delinquency involving no serious offences, and simple disputes and arguments between neighbours for which no official report is required.

4. The Abu Dhabi Shelter for Victims of Human Trafficking: In January 2008, the Government announced its support for the establishment of a centre for women and child victims of human trafficking crimes, to be located in the capital of Abu Dhabi and designed to meet international standards and apply best practices. A special committee chaired by the Emirates Red Crescent Society was established to supervise the establishment of this shelter, in collaboration with the National Committee on Human Trafficking. The shelter will seek to provide protection for women and child victims of this type of crime and work to rehabilitate them by means of a comprehensive programme of social care covering health, psychological and medical assistance, counselling, legal services, safe temporary refuge and some basic education and training services. It will also assist their repatriation by working in conjunction with similar shelters in the victims' countries. This shelter is part of the political agenda of the Abu Dhabi Government for 2007 to 2008, which defines key goals and government initiatives aimed at achieving a safe and secure society, including "the full elimination of all forms of exploitation and forced labour, with a particular focus on the protection of women and children, and of all forms of human trafficking".

5. The Emirates Human Rights Association: Established under Federal Act No. 3 of 1974 on benevolent societies, as amended, the Association aims to spread awareness among individuals and explain their rights and obligations towards society. Within the scope of the law, it also works in conjunction with government bodies to instil the principles of respect for the rights of the individual, prevent violations, safeguard equality and ensure that individuals in society are not discriminated against on grounds of race, religious belief, thought, colour, gender or customs. The Association also endeavours to help in improving the situation of detainees and prisoners in conformity with international rules and human rights principles and to assist the weak, the unfortunate and persons with special needs.

6. The Committee on Human Trafficking at the Ministry of the Interior: Established at the Ministry of Interior pursuant to Ministerial Decision No. 422 of 2009, the Committee on Human Trafficking provides opinions on the development and updating of legislation relevant to combating human trafficking at the domestic and foreign levels, and coordinates with the relevant authorities to raise awareness of the danger posed by such crimes to the individual, the family and society. It also coordinates with shelters for victims of human trafficking to ensure their safety and protection. Furthermore, it elaborates and monitors the implementation of plans for combating such crimes.

20. *The Committee is aware that training courses on human rights for the benefit of police officers and prosecutors in the State party have been held in cooperation with the Office of the High Commissioner for Human Rights. Please indicate whether the State party has developed or is contemplating any programmes to build on this initiative and continue training measures.*

Reply:

A periodic training programme for members of the police has been prepared with a view to pursuing implementation of the training plan already developed. The intention is to continue these courses in the coming years in the light of the strategy of the Ministry of the Interior and the supreme guidelines for improving the skills of those working in the field of human rights.

21. *Does the State party consider making the declaration provided for in article 14 of the Convention?*

Reply:

The State is considering the creation of an independent national human rights body that, once established, will work on the basis of its areas of competence to study the international conventions to which the State has acceded, work for their implementation and put in place appropriate mechanisms to that end.
