



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

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 914th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 26 January 2010, at 10 a.m.

Chairperson: Ms. Pimentel (Vice-Chairperson)

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In the absence of Ms. Gabr, Ms. Pimentel (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.05 a.m.

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

Initial report of the United Arab Emirates (CEDAW/C/ARE/1, CEDAW/C/ARE/Q/1, CEDAW/C/ARE/Q/Add.1)

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) said that under the Constitution of the United Arab Emirates, the Convention had the same binding force as national legislation. The same applied to the other human rights instruments to which the country was a Party. The Human Development Report 2007/2008 issued by the United Nations Development Programme showed that in only 38 years of statehood, the country had made remarkable progress. The delay in submitting the initial periodic report was partly a result of the rapid changes that had taken place between 2004 and 2008. Women were now at the forefront of both the public and private sectors, although several challenges remained.

3. The Federal National Council, or Parliament, represented all of the people of the United Arab Emirates. Legislation adopted in 2006 provided that half of its members would be directly elected by an electoral college. In December 2006, the Council had been elected for the first time. The electoral college had consisted of 6,688 members, of whom 1,198 had been women. Of the 40 members of the Council, nine were women, eight of whom had been appointed and one elected. She herself was among the four women ministers in the Government. Women had also joined the diplomatic service: two were ambassadors and one was a consul. In the judiciary, women had been appointed as judges and prosecutors. In the military, a woman had reached the rank of brigadier. There were 12 women in the governing bodies of the chambers of commerce and industry. There were no longer any restrictions on the jobs that could be done by women, and the proportion of the total citizen workforce accounted for by women had increased markedly between 1995 and 2006.

4. The education system was aimed at providing equal and diversified educational opportunities for all citizens. Rising levels of education among women had improved their health and social conditions. Numbers of female pupils had risen sharply since the 1970s. Women's participation in higher education was among the highest in the world; during the academic year 2005 to 2006, almost 25,000 women had been enrolled in higher education in the country. The Government offered grants for male and female students alike to attend university abroad, and during that period, 85 women had benefited from such grants.

5. Health services for both women and men had improved. Mortality rates had fallen, while life expectancy and health awareness had increased. The rate of infant mortality at birth was 5.15 per thousand live births, or less than ten cases per year; 99 per cent of births were supervised by skilled professionals. The country's taboo-breaking breast cancer awareness programme was well-established.

6. Health services for women were provided through primary care centres under the Ministry of Health and through women's associations. The Council of Ministers had decided to establish a Supreme Council for Motherhood and Childhood which would become operational in the near future. Its organizational structure was being formed, and its president had already set up a committee to determine the national strategy.

7. Social welfare was at the heart of the Government's strategy to benefit its people. The aim was to provide adequate housing and grant monthly financial aid to such social categories as older persons, persons with disabilities, orphans, widows and divorced women. Over 37,000 families currently benefited from the social welfare programme. Mobile units provided guidance, counselling and psychological support for elderly persons. Widows, divorced women and women married to foreigners were granted free housing, funds to build a home, or a free piece of land with basic infrastructure such as roads, water and electricity. Nurseries had been opened in public-sector workplaces.

8. A range of institutions and associations had been established with a view to building the capacity of women. There were over 20 such institutions in the country, including the General Women's Union and the Family Development Foundation.

9. Owing to its conservative religious and cultural beliefs, the society of the United Arab Emirates deplored human trafficking and exploitation. Abuse and physical assault were criminalized. Federal Law No. 51 (2006) on combating trafficking in human beings, especially women and children, had placed the country well ahead of several other States by setting forth deterrent penalties for such crimes. In light of that Law, the Council of Ministers had established the National Committee for the Suppression of Human Trafficking. The Government had adopted laws criminalizing rape, indecent assault and incitement to debauchery and prostitution.

10. The compulsory uniform employment contract adopted in April 2007 at the federal level set forth a mandatory standardized template for all contracts between domestic workers and their employers. Labour law regulated domestic labour in accordance with the profession in question, and covered, salary, contract duration, rest periods and health care. The Government was preparing a draft law on service assistance, which included domestic workers and their employers, to define the rights and duties of contracting parties, specify the institutions empowered to receive complaints and process any litigation regarding working hours, leave and pay.

11. The Ministry of Social Affairs implemented social development programmes aimed at addressing the needs of women in remote areas. Centres had been opened in a number of remote areas to ensure that services reached the largest possible share of the population. The Ministry of Education had opened schools for males and females in those areas, and had cooperated with women's associations to combat illiteracy. The most recent Government development strategy comprised 21 categories divided into six main sectors, one of which was the development of remote areas.

12. The Personal Status Law contained provisions regulating issues of engagement, marriage, child custody and inheritance. The Islamic sharia was the basic reference for the provisions of that law; the issues in question had been identified by Islam in a clear way which did not allow controversy.

13. Although the consent of the guardian was a prerequisite for a woman's marriage to be valid, the law intervened in order to uphold women's rights. With regard to the question of equal rights and

responsibilities during marriage and its dissolution, the law obligated the man to maintain his wife and children, while the wife was not required to maintain herself or her family.

14. She was aware of the Committee's concerns regarding the reservations formulated by the United Arab Emirates. The Convention permitted reservations, however, to allow for cultural, social and religious diversity. The possibility of reservations had facilitated the accession of numerous States to the Convention, thereby contributing to a global partnership to protect women's rights.

Articles 1 and 2

15. **Ms. Šimonović** said that the legal status of the Convention in the United Arab Emirates needed further clarification. In particular, she wished to know whether its legal system was dualist or monist: could the Convention be applied directly or must it first be incorporated in national laws?

16. Article 1 of the Convention defined discrimination against women. In the initial periodic report (CEDAW/C/ARE/1), and in the responses to the list of issues (CEDAW/C/ARE/1/Q.1), the United Arab Emirates had cited article 25 of its Constitution, but that article did not specifically prohibit discrimination against women. She would appreciate further information on how the article was interpreted in the light of the Convention.

17. Article 2 (a) of the Convention required States parties to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation, and to ensure its practical realization. No reservation to article 2 (a) had been formulated; the legal provision which embodied that principle should therefore be indicated.

18. Lastly, she wondered whether consideration was being given to ratifying the Optional Protocol to the Convention, and whether there were plans to reconsider specific reservations to the Convention, in particular those to article 2, paragraph (f), and article 16.

19. **Ms. Popescu** said that significant progress had been made in advancing women's rights in the United Arab Emirates. It would be useful to have additional information on measures taken to raise awareness of the Convention, including women in remote regions. In

particular, she wished to know what was being done to raise awareness among law enforcement officers and non-governmental organizations.

20. In 2008, the Committee of Experts of the International Labour Organization (ILO) had found that the Constitution of the United Arab Emirates did not incorporate discrimination on the basis of sex. She would welcome information on the modalities for reviewing the Constitution, and on any plans to incorporate discrimination on the basis of sex as defined in article 1 of the Convention, both direct and indirect, *de jure* and *de facto*, intentional and non-intentional. She asked what plans were in place in the legislation of the Federation and of individual Emirates to ensure conformity with the principles and standards of the Convention.

21. Article 28, paragraph 2 of the Convention provided that reservations incompatible with the object and purpose of the Convention would not be permitted. Some of the reservations formulated by the United Arab Emirates might belong in that category, in particular those to articles 2 and 16. She appealed to the Government to consider restricting and progressively withdrawing its reservations. The Government had stated that it would comply with article 16 of the Convention insofar as it did not conflict with the Islamic sharia. If there was in fact no conflict between the Convention and Islamic texts, she wondered whether it would consider withdrawing its reservations.

22. **Mr. Flinterman** said that the United Arab Emirates had, during the universal periodic review process, stated that it was studying the establishment of a national human rights commission in line with the Paris Principles. He asked if steps were being taken in that direction, and whether the mandate of the commission would include receiving complaints of human rights violations such as gender discrimination.

23. It was not completely clear if the Government understood the Convention as relating to all women within its jurisdiction, including citizens and such non-citizens as refugees, asylum seekers and migrants. Article 2 (c) of the Convention guaranteed the effective protection of women against any act of discrimination. He asked if there were any examples of how women claiming to have suffered human rights violations could bring their case before a court.

24. **Ms. Al Hashimy** (United Arab Emirates) said that several training sessions and workshops had been organized to raise awareness of the Convention. Some 30 prosecutors, judges and other court staff had received such training in December 2009. Booklets had been disseminated to define violence against women and stress the importance of speaking out against it. The General Women's Union had issued a series of publications and videos on such issues as maternity rights, domestic violence and discrimination. A hotline was available for people of all nationalities.

25. **Mr. Alawadhi** (United Arab Emirates) said that the country's legal system was monist in principle: where an international instrument contained specific provisions, it gained the force of domestic law by virtue of its adoption. International instruments containing broader principles required legislation in order to be incorporated in domestic law.

26. A number of articles of the Constitution addressed the issue of discrimination, including article 14, which referred to gender; article 15, on the family; article 16, on the right to welfare; article 17, on the right to education; article 19, on the right to medical care; article 20, on the right to work; article 21, on the right to property; articles 25 and 26, on personal freedoms; article 29, on freedom of movement; article 32, on freedom of worship; article 33, on freedom of association; and article 41, on the right to submit complaints to the competent authorities.

27. His Government was studying the Optional Protocol with a view to ratification in the near future. A draft law on the establishment of a national human rights commission had been prepared, and was being examined in order to ensure compliance with international standards. The rights enshrined in the Convention were guaranteed for all women residents, regardless of nationality.

28. **Ms. Al Dhaheri** (United Arab Emirates) said that gender equality was guaranteed by article 25 of the Constitution, which stated that all persons were equal before the law, without distinction between citizens in regard to race, nationality, belief or social status. Measures were in place to facilitate the submission by women of complaints to the public authorities. Where their rights were violated, women could request compensation calculated according to the moral and material damages incurred. There were special courts to address family violence and other family issues.

29. Any federal legislation was binding throughout the country, and local legislation was regularly amended to ensure lack of conflict. National legislation could be amended to reflect the best international practices. The most recent change to the Constitution had taken place in 2009.

Article 3

30. **Ms. Zou Xiaqiao** said that, in the replies to the Committee's list of issues and questions, the General Women's Union had been cited as an example of a mechanism to empower women. She would welcome any further information on that organization, and in particular on its structure, function, human and material resources, and relation to the Ministry of Social Affairs. She wondered whether the Union had taken any measures comprehensively to monitor the situation of women in the country and promote gender equality, and what had been the results. Reference had also been made to a National Strategy for the Advancement of Women. It would be useful to have detailed information about the content, objectives and state of implementation of that Strategy.

31. **Ms. Al Hashimy** (United Arab Emirates) said that the Family Development Foundation implemented social legislation, put forward proposals for such changes to that legislation as were necessary in order to guarantee the rights of women and children and devised programmes for the sustainable development of the family and women. Its goals were to underline the role of the family in social development, realize a comprehensive vision of the issue and to ensure the creation of a society that had the capacity and knowledge to compete and was continually developing its capabilities and skills.

32. The Women's Development Society (Dubai) worked to strengthen the role of women by undertaking relevant projects, promoting the employment of women, providing them with opportunities to assume leadership positions in both the Government and private sectors and putting forward proposals contributing to the development of legislation and policies on women.

33. **Ms. Khanji** (United Arab Emirates) said that the Family Development Foundation was an independent, autonomous Government organization. It had first become active in 1972, and had been established in its current form in 2006. Its aim was to foster sustainable

development, with a particular focus on health, the environment, culture, society and education. It had a budget of some 200 million dirhams. Its clear strategic plan for policy advocacy and programme delivery drew on best practices from a range of States. The Foundation promoted academic and extra-curricular activities for children and encouraged the empowerment of women. There were 15 centres in Abu Dhabi. Three centres offered marital and family counselling and legal advice and assistance. Eight provided adult education, especially for older persons.

34. **Ms. Al Lamky** (United Arab Emirates) said that the General Women's Union had since 1975 enjoyed the trust of the Government as the official representative of women. Although it was a public service organization with ties to the Ministry of Social Affairs, its role was more akin to that of a Government body. It provided a broad range of services to empower women. Although based in the capital, it had members throughout the country. The Union had formulated the National Strategy for the Advancement of Women, which focused on such areas as education, health, the economy and political participation. In addition, it had organized training courses on the provisions of the Convention. Other initiatives included measures to promote the role of women in the Federal National Council and in the electoral college. Many women who were members of those bodies were also members of the Union.

35. The Union cooperated with United Nations programmes, and acted in partnership with the United Nations Children's Fund (UNICEF) to implement maternity and childhood initiatives. It had campaigned for the adoption of the Personal Status Act and for the establishment of the Supreme Council for Motherhood and Childhood.

Article 4

36. **Ms. Hayashi** asked what temporary special measures had been or would be adopted to promote women's participation in decision-making bodies. The report referred to regulations guaranteeing human rights and taking into account the special conditions of women. She wondered whether those regulations were temporary special measures pursuant to article 4, paragraph 1, of the Convention, or measures aimed at protecting maternity pursuant to article 4, paragraph 2.

37. In particular, she would welcome additional information on any temporary special measures to uphold the rights of migrant women, including freedom of expression and association, both of which were essential. Had the situation of migrant women improved since ratification of the Convention?

38. **Ms. Al-Hashimy** (United Arab Emirates) said that her country was not committed to upholding freedom of association under the ILO conventions to which it was a party.

39. **Mr. Alawadhih** (United Arab Emirates) said that migration was regulated not through specific legislation, but rather through the migrant workers' contracts. Migrant women enjoyed the same right to health care and other services as nationals. Non-nationals benefited from schooling offered in a remarkable number of languages. Foreign universities were open to both foreign and local women.

40. Freedom of association was guaranteed, provided that the proper administrative procedures were followed in order to ensure a safe environment for gatherings. Freedom of expression was also upheld. National and international media operated freely, and no attempt had been made to censor the Human Rights Watch report of 24 January 2010, despite its criticism of the Government. As in any other country, there were limits on statements that hindered social relations or sowed discord.

Article 5

41. **Ms. Murillo de la Vega** said that the United Arab Emirates was a model country in terms of its investment in social protection and health, yet despite the country's high regard for maternity, the report stated that women were entitled to only 45 days of maternity leave on full pay, and an additional 100 days without pay in the event of a related illness. That time should be increased for instance by aligning it with the leave entitlement for the period of waiting. Maternity should not be placed in the same category as illness.

42. The country had the highest number of businesswomen in the region; further efforts could be made to strike a balance between the roles of businesswoman and mother. The number of women journalists could be increased.

43. **Ms. Coker-Appiah**, drawing attention to the Secretary-General's in-depth study on all forms of

violence against women (A/61/122 and Add.1 and Add.1/Corr.1), said that the initial periodic report lacked gender-disaggregated data and adequate documentation on violence against women.

44. There were disturbing accounts of high rates of violence in the country. Victims were reportedly reluctant to contact the police, who often treated the violence as a private matter. Migrant victims feared deportation. Although the criminal code classified rape as a serious offence, there was no specific law providing for legal remedy. She wished to know what steps were envisaged to review the current legislation, protect the victims and provide an effective remedy. She further asked what training was in place for judicial, legal, medical and immigration personnel.

45. **The Chairperson**, speaking in her capacity as an expert, drew the delegation's attention to the Committee's general recommendation No. 19 on violence against women. She would welcome further information on measures to eradicate such violence in the United Arab Emirates.

46. Alternative sources stated that rape victims often faced criminal charges. She wondered whether the presence of women attorneys, prosecutors and judges had had an effect on the situation. Had the Government taken measures to address violence against non-citizens, sex workers, domestic workers and non-heterosexual women?

47. **Ms. Ara Begum** said that she welcomed the additional information provided by the delegation on migrant workers. On 8 October 2009, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had drawn attention to numerous allegations of human rights violations suffered by construction and domestic workers, including abuse, restrictions on mobility and the withholding of passports. Articles 2 and 5 of the Convention contained an obligation to protect domestic workers. In drafting the proposed labour law, the reporting State might wish to consult general recommendation No. 26. The draft law should incorporate those issues, and guarantee access to justice and shelter.

48. **Ms. Al Hashimy** (United Arab Emirates) said that a culture of empowerment and progress was now taking root in the country. The belief in women's empowerment might take a different form in the United

Arab Emirates than in the West; yet the object and purpose of that belief were shared.

49. Shelters and hotlines were available to protect women from domestic violence, which was prosecuted by the Police. Marriage preparation courses and counselling centres were available, and media campaigns were conducted to raise awareness of the issue. The Department for the Protection of Human Rights provided psychological, social and legal assistance to victims, as did a range of other shelters.

50. The uniform employment contract provided for health care and salaries, and set forth the duration of contracts and rest times. Salaries were agreed by both parties, and were disbursed at the end of each month. Contracts were drawn up in Arabic and English, and were signed by both parties.

51. **Ms. Al Dhaheri** (United Arab Emirates) said that the protection of women and children, including migrants, from violence was enshrined in such legislation as the Personal Status Act, Labour Law and Criminal Code. Specific measures were set forth, as were the roles of public and private agencies. The Department for the Protection of Human Rights provided free legal advice for victims of all nationalities, and trained judicial staff on the application of international instruments to which the United Arab Emirates was a party. The Department included a centre which provided assistance and shelter.

52. **Ms. Shuhail** (United Arab Emirates) said that a series of shelters had been established in 2008 in order to assist with the rehabilitation and reintegration of the victims of violence and sexual abuse. The shelters were for women and children only. Their services were focused, confidential and safe, and included psychological, medical and legal aid. Victims had the right not to inform the police and to legal representation in prosecuting the perpetrators. When victims did not want to return to their home countries, the shelter helped them to find work. If no work could be found, the victims were referred to the Office of the United Nations High Commissioner for Refugees.

53. **Ms. Al Basti** (United Arab Emirates) said that according to studies conducted in 2009, non-nationals accounted for some 70 per cent of the victims of domestic violence and 85 per cent of calls to the domestic violence hotline. The rise in violence was a sign of changes brought about by the opening of borders.

54. The hotline was available in Arabic, English and Urdu; Russian would soon be added. The shelters coordinated with ILO, the International Organization for Migration (IOM), the United Nations Development Fund for Women (UNIFEM), and with non-governmental organizations.

55. **Ms. Al Marri** (United Arab Emirates) said that maternity provisions differed in the public and private sectors. Federal Law No. 11 (2008) on human resources provided that public sector workers, some 66 per cent of whom were women, were entitled to 60 days of maternity leave on full pay. In addition, they had the right to leave the workplace on full pay for two hours a day over a period of four months. Council of Ministers decision 19 (2006) provided for Government institutions to establish day-care centres.

56. The same Law protected women in the private sector by prohibiting their employment in hazardous, arduous or physically or mentally detrimental tasks. Women could not be employed at night, and were guaranteed equal wages for the same work. Women in the private sector were entitled to 45 days of maternity leave on full pay, and to two additional periods for breastfeeding over the subsequent 18 months, with no reduction in pay.

57. **Mr. Alwadih** (United Arab Emirates) said that in drafting legislation, his Government would take into account global standards. The current regulations guaranteed legal remedy: abuse and discrimination were penalized by numerous laws.

Article 6

58. **Ms. Neubauer** said that it was unclear whether it was an offence to engage in prostitution, rent premises for that purpose, use the services of a prostitute who was a minor, or sanction payment for sexual services. She would appreciate any information on the age and origin of prostitutes, and on any support services for prostitutes who wished to leave that activity.

59. **Ms. Chutikul** said that she had been interested to hear about the work of the shelters for victims of violence. However, the fact that shelters were located in police stations might discourage women from seeking help. She wondered whether counselling was available for the perpetrators, who also needed help.

60. Federal Law No. 51 (2006) on human trafficking adopted the terms of the Palermo Protocol, which was

focused on exploitation and forced labour. She wished to know whether it specifically addressed domestic workers. Any information on the regulation of recruitment agencies and informal workers would be useful.

61. It was her understanding that the new uniform contract was signed between the employer and an agency. She asked whether employees knew about it and consented to it, and how it was monitored in practice. Lastly, she would welcome additional details on the recent closure of a non-governmental shelter, the Dubai City of Hope.

62. **Ms. Rasekh** said that she wished to know what specific measures were taken to prosecute offenders, and what action was taken to prevent women from becoming re-victimized. Were there any laws to prevent them from being imprisoned or fined?

63. **Ms. Al Hashimy** (United Arab Emirates) said that shelters were not in fact located in police stations. Any human rights agencies previously located there had been moved elsewhere in order not to discourage victims from seeking help.

64. **Mr. Alawadhih** (United Arab Emirates) said that national criminal law penalized men and women alike for collusion in or incitement to prostitution, whether in word or deed. It was considered an aggravating circumstance if the victim was a minor, or if the perpetrator was a guardian or relative. Recruitment of an individual for prostitution by use of force or deceit was punishable by up to ten years' imprisonment; a sentence of between one month and three years was imposed for preparation or maintenance of premises for the purposes of prostitution. The law on trafficking was implemented comprehensively, regardless of residential or work status.

65. With regard to the uniform employment contract, recruitment agencies within the country were monitored. However, those located abroad were more problematic. Memorandums of understanding had been concluded with source countries to monitor the recruitment process from beginning to end. Some 3,000 cases had been selected for a pilot project, to be conducted over two years, in order to compile best practices for a draft multilateral framework on contract labour.

66. Although the Dubai City of Hope had done valuable work, it had opened its premises and operated

without obtaining a licence or following the proper legal procedures. There had been no internal monitoring of financial transfers, and the State was keenly aware of the threat of money laundering and terrorism.

67. **Ms. Ara Begum** asked what measures were in place to address the demand side of prostitution; such action was essential in order to control trafficking. She wondered what were the underlying causes of trafficking, which remained a problem despite strict legislation.

68. **Ms. Chutikul** asked whether it would be possible to involve non-governmental organizations in the preparation of the draft law on domestic workers. She had been encouraged to hear about the pilot project for memorandums of understanding with source countries. It would be useful to know what proportion of domestic workers were recruited through Government-to-Government contracts, and what proportion came under private contracts; in many countries, there was a practice of balancing the two.

69. **Ms. Šimonović** said that it remained unclear which article of the Constitution specifically enshrined equality between men and women as required under article 2 (a) of the Convention. A reference had been made to article 14 of the Constitution; she would appreciate greater detail on its content.

70. The universal periodic review process had recommended that the United Arab Emirates should implement article 2 (a) of the Convention. An explanation of why it had rejected that recommendation was needed.

71. **Ms. Awori** said that despite a law against the practice, there were reports that female genital mutilation was taking place in the country. She would welcome information on the topic.

72. **The Chairperson**, speaking in her capacity as an expert, said that patriarchal mentalities anywhere in the world encouraged the belief among some men that violence against women was normal. It was essential to work with both women and men to combat such attitudes. She asked for information on violence against children, and in particular on sexual and other violence against girls, including in the home.

The meeting rose at 1 p.m.