



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

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**Committee on the Elimination of Racial Discrimination**  
**Seventy-fifth session**

**Summary record of the 1937th meeting**

Held at the Palais Wilson, Geneva, on Wednesday, 5 August 2009, at 10 a.m.

*Chairperson:* Ms. Dah

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*The meeting was called to order at 10.10 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)**

*Twelfth to seventeenth periodic reports of the United Arab Emirates (CERD/C/ARE/12-17; list of issues (document without a symbol distributed in the meeting room in English only)) (continued)*

1. *At the invitation of the Chairperson, the members of the delegation of the United Arab Emirates resumed their places at the Committee table.*
2. **Mr. Alawadi** (United Arab Emirates) reminded the Committee that his country was a Federation of seven States. Its characteristics aims and values were defined in the Constitution. The Federation applied a system of clear separation of powers and its Constitution formally recognized the independence of the judiciary.
3. The Supreme Council of the Federation was the highest authority in the State and consisted of the rulers of all the Emirates in the Federation. The Supreme Council formulated the State's general policy on all matters for which the Federation had competence under the Constitution, and considered all questions relating to the attainment of the Federation's goals and the common interests of the member Emirates. It also ratified federal laws and decrees and international treaties, approved the appointment of the Prime Minister and accepted his resignation or dismissal on the recommendation of the President of the Federation. It likewise approved the appointment of the President and justices of the Federal Supreme Court and accepted their resignation or dismissal in conformity with the relevant provisions of the Constitution. It also had supreme oversight functions with regard to the public affairs of the Federation. It elected the President and Vice-President of the Federation from among its members. As the executive body of the Federation, subject to oversight by the President of the Federation and the Supreme Council, the Council of Ministers was responsible for all aspects of domestic and foreign affairs.
4. The Federal National Council comprised 40 seats and was responsible for considering finance bills prior to their submission to the President of the Federation, who transmitted them to the Supreme Council for consideration and ratification. The Constitution stipulated that the Government should notify the Federal National Council of the international treaties and conventions which it concluded with other States and international organizations and should provide it with all relevant background information.
5. Supreme Council decision No. 4 of 2006, concerning the procedure for selecting representatives of the Emirates to serve on the Federal National Council, had been a turning point in the consolidation of the democratic process initiated by the Government. The objective of the process was to secure the political participation of all members of society and to give the Emirati people the possibility of electing the members of the Supreme Council. Article 1 of the decision stipulated that half the members of the Council should be elected by an electoral college with a membership equivalent to at least 100 times the number of representatives of each Emirate. Article 2 provided that the other half should be chosen by the rulers of the Emirates from among the citizens of each Emirate. The Constitution had been amended to consolidate the power and role of the Federal National Council in 2008.
6. Referring to the application of the sharia by Emirati courts, he explained that the sharia was the main source of law in the Federation and that its application was obligatory for all courts.
7. Replying to Mr. Lindgren Alves, who at a previous meeting had expressed surprise at the report's statement that "the State does not need to enact legislation to deal with any

violations of the Convention” (CERD/C/ARE/12–17, para. 72), he explained that that reflected the fact that, as a State party to the Convention, the Emirates were required to respect all its provisions. Racial discrimination and hatred were prohibited under several enactments. Articles 73 and 86 of the 1986 Publishing and Publications Act prohibited the publication and distribution of articles that incited dissent. Article 4, paragraph 2, of Federal Act No. 2 of 2008 concerning public welfare associations and institutions prohibited associations and their members “from stirring up sectarian, racist or religious strife” (para. 71). The Emirati authorities intended to amend several articles of both Acts in order to align them more closely with the Convention.

8. Replying to the question why article 25 of the Constitution, in particular, referred only to citizens and not to all persons resident in the country, he said that the Constitution as a whole protected the human rights of all persons, irrespective of their nationality. He emphasized that article 40 expressly stipulated that foreigners resident in the Federation enjoyed all the rights and freedoms recognized in the international treaties in force to which the Federation was a party. In addition, article 41 of the Constitution provided that any person, as opposed to any citizen, could submit a complaint to the competent authorities about violations of the rights set forth in the Constitution.

9. No legislation contrary to the provisions of the Constitution could be promulgated and the Constitution had established an oversight mechanism for monitoring its primacy over other legislation.

10. With regard to the protection of foreign workers’ rights, he said that the executive branch oversaw implementation of the Labour Code through on-site inspections. The Emirates were deeply committed to ensuring compliance with the laws governing the status of foreign workers and had recently updated them to bring them more closely into line with the current situation.

11. The Ministry of Labour had made more than 13,000 on-site inspections in 2008 to ensure that the living conditions (health care, housing, etc.) of foreign workers in the Emirates met the required standards. From September 2009 any company that was unable to provide adequate accommodation for foreign workers it intended to employ would no longer be granted an entry permit for those workers. The inspectors would need to certify that the accommodation satisfied seven specific criteria. A number of new complexes offering three types of accommodation for workers were under construction and due for completion in 2009.

12. In relation to the question about the means of overseeing the application of labour laws, the Emirates had recruited additional inspectors in recent years and by 2008 had a total of 400. As a result of their inspections, 249 employers had been charged with violations of the applicable laws.

13. Replying to the question about access to the services provided by the Ministry of Labour, he said that they were not restricted to workers from countries with which the Emirates had concluded agreements but were available to workers of all categories, without exception.

14. Under the Constitution, every citizen was guaranteed freedom of movement and was entitled to a passport as an inalienable individual right. However, for fear of loss or theft, foreign workers sometimes voluntarily placed their passports in the care of their employer. Workers could ask their employer to return their passport at any time and could appeal to the Ministry of Labour, the Ministry of the Interior or a judge if the employer failed to comply. In that case, an order for the return of the passport would generally be issued.

15. With regard to the sponsorship (kefala) system, he explained that in the United Arab Emirates a contract was concluded between the employer and the employee setting out the

rights and obligations of both parties. He emphasized that every worker was free to approach another employer or return home when their contract expired, even if that was against the sponsor's wishes. Both parties must respect the terms of the contract. If the sponsor refused to authorize the worker to accept another job, the Ministry could intervene and transfer the sponsorship to another employer chosen by the employee. As to travel by the worker, including travel abroad, in the United Arab Emirates there were no restrictions of any kind on workers' freedom of movement, contrary to what might happen under the sponsorship system existing in other countries.

16. He confirmed that the conventions and treaties concluded with India and the Philippines would be extended to other countries; they were pilot schemes and would be adapted and applied to other countries after assessment of their results.

17. The State was well aware of the difficulties encountered by domestic workers. However, the fact that there was no specific legislation relating to domestic workers by no means meant that they lacked legal protection. There were legal provisions that sanctioned exploitation and forced labour. It should be noted that all legal provisions applied to domestic workers on the same basis as other workers.

18. The United Arab Emirates had ratified the Arab Charter on Human Rights, which was currently in force after ratification by nine countries. An Arab Commission on Human Rights had been established pursuant to the provisions of the Charter, which incorporated more than 99 per cent of the rights and freedoms set forth in other covenants and conventions protecting human rights.

19. He drew attention to a bill due to be considered shortly that would allow children born to Emirati women married to foreign men to acquire the nationality of their mother. Children currently took the nationality of their father, which gave rise to a number of problems. The new law would introduce greater flexibility in granting nationality, although it should be added that nationality issues were a matter of national sovereignty and not within the competence of the Committee.

20. He drew attention to the different meanings of the terms "Bedouin" and "Bidun", which referred to two separate population groups. The Bedouin were a desert-dwelling people, who had been the country's earliest inhabitants and founders. The Bidun were stateless persons, or rather persons whose nationality was unknown to the State because they had no official papers. In some cases, they deliberately concealed their nationality. Nevertheless, the Government had examined the situation of the Bidun and taken steps to improve it, establishing a committee to address the problems they faced and a legal framework to protect their basic rights. Emirates nationality had been granted to 1,200 persons and in a number of those cases it had proved possible to verify their true nationality. The committee remained active and continued its inquiries using modern techniques such as DNA testing.

21. With regard to accession to new human rights instruments, he said that the United Arab Emirates had expressed its intention to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Optional Protocols to the Convention on the Rights of the Child. In that connection, it planned to host a visit by the Special Rapporteur on the sale of children, child prostitution and child pornography.

22. Concerning the participation of civil society organizations, the United Arab Emirates considered them to be very important and had accordingly invited them to contribute to the preparation of the report submitted to the Committee. They had also been involved in the implementation of the national human rights plan.

23. There was no discrimination in access to education in the United Arab Emirates at any level. Neither was there any discrimination in access to vocational training, provided

that the candidates satisfied certain age and language criteria. Many schools also gave lessons in the language of the various foreign communities, including Urdu, Hindi, Persian, English and French. In addition, experts from all over the world were invited to lecture in Arabic or other languages and worked at universities. He refuted the allegations of discrimination in education made by some experts and invited any Committee members who wished to do so to visit his country to assess the situation for themselves.

24. The National Committee to combat Human Trafficking had published pamphlets on various subjects, including the protection of workers and their rights. The delegation had made copies available for consultation by the Committee.

25. Although he was unable to provide precise figures, many women pursued careers in the armed forces, and also in the police.

26. Referring to the country's demographic composition, he said that Emirati nationals accounted for 18 per cent of the population, nationals of other Asian countries 60 per cent, nationals of other Arab countries (including Palestine) 13 per cent, nationals of European countries 3 per cent, nationals of North American countries 2 per cent and nationals of other countries (including South America) 4 per cent.

27. The regularization of migrant workers was not an issue because foreign nationals were only permitted to enter the country if they had a valid employment contract. Consequently, a worker whose contract had expired must choose either to renew it or return to his or her country of origin.

28. Foreign workers remitted a large proportion of their earnings to their country of origin; no tax was payable on the amounts transferred. Overseas remittances of that kind were estimated to total 20 billion United States dollars annually. Of that total, 10 per cent was transferred to European countries, 20 per cent to Arab countries and around 45 per cent to South-East Asian countries.

29. In the area of employment, mechanisms for the settlement of disputes between employers and workers had been put in place. If the parties failed to reach an amicable agreement through mediation, aggrieved employees could take their case at no cost to themselves, to one of 10 specialist courts composed of experts in labour and administrative law. The labour courts were required to rule on each case within the period specified by law and workers had the right to apply to the Ministry of Labour for a temporary employment contract covering the entire period of litigation.

30. **Mr. Murillo Martínez** said he would like to know whether the United Arab Emirates acknowledged the existence of racism and racial discrimination in their territory. If so, it would be useful to know in which fields those phenomena were most pronounced and whether any relevant statistics were available. If they were, the Committee would be grateful if the State party would forward them to it.

31. **Mr. de Gouttes**, referring to paragraph 17 of the summary on the United Arab Emirates prepared by the Office of the High Commissioner for Human Rights under the universal periodic review (A/HRC/WG.6/3/ARE/3), said he did not understand why the fact that "The staff of the judiciary is composed largely of foreigners under contract, from Arab countries, which may at any time be revoked", greatly reduced their independence. In his opinion, the fact that the proportion of foreign judges in the jurisdictions of the two emirates of Abu Dhabi and Dubai was almost 70 per cent should be considered a factor for openness, intellectual enrichment and even independence. He would like to know the delegation's opinion.

32. **Mr. Lindgren Alves** recalled that the Committee had always refuted the notion that a State could be free from racism and racial discrimination and that it could use that argument to justify the non-existence of national legislation in that area.

33. **Mr. Peter** expressed regret that the United Arab Emirates had chosen to sign only those treaties that it considered itself able to implement, reasoning that the mere fact of becoming a party to an international instrument was sometimes all that was needed to encourage a State party to take all steps necessary to enforce its provisions and hence fulfil the obligations deriving from it. A State party that systematically refrained from assuming international undertakings could find that its image suffered.

34. He was also concerned that some of the rights set forth in the Constitution, including the rights to freedom of movement, freedom of assembly and freedom of expression, could be restricted under the relevant legislation. By definition, the Constitution was the supreme law and took precedence over all other laws.

35. He welcomed the drafting of a new bill on domestic workers that would create a legal framework protecting their rights. Domestic workers were often exploited by their employers because of their low educational level and limited awareness of their rights. The State party had a duty to protect that particularly vulnerable category of workers, especially since it had sufficient financial resources for that purpose. The United Arab Emirates were recognized internationally for their prowess in sport, especially football and tennis, and equal recognition for its achievements in other areas, including human rights, would be desirable.

36. **Mr. Prosper**, Country Rapporteur, considered it preferable that States parties should accede only to those treaties that they intended to implement; too many States parties ratified treaties in order to acquire a good image in the eyes of the international community, even though they had no intention of honouring their undertakings.

37. He requested further information on marriage and citizenship in the United Arab Emirates since, if he understood correctly, some marriages were recognized while others were not. He would like the delegation to explain what prevented the State from systematically granting Emirati citizenship to all children born to Emirati women, irrespective of the father's nationality.

38. **Mr. Thornberry** said that the Committee had adopted 31 general comments to help States parties interpret the relevant articles of the Convention and thereby deal more effectively with the increasingly numerous forms of racism and racial discrimination existing throughout the world. He, too, recalled that no State could claim to be free from those scourges.

39. He noted the observations made by the delegation in relation to article 4 and invited the State party to reflect on how the provisions of the article might be implemented.

40. **Mr. Kemal** asked the delegation to clarify the issue of legal primacy, since he had understood from its replies that the laws adopted by the State took precedence over the Constitution, *inter alia* by imposing restrictions on the rights set forth therein.

41. **Mr. Alawadi** (United Arab Emirates) said that laws were adopted for the sole purpose of giving effect to the rights set forth in the Constitution, which established major principles in the area of human rights. The laws never ran counter to the provisions of the Constitution. But the fact remained that, in certain circumstances, as in the case of freedom of expression, the Government might have reason to propose laws that clarified or regulated the principles set forth in the Constitution.

42. Replying to Mr. de Gouttes' question, he explained that the United Arab Emirates was a young country seeking to benefit from the knowledge and expertise of other Arab countries and for that reason recruited foreign judges, mainly from Arab countries. That practice had no negative implications for the independence of the judiciary. In any event, 98 per cent of the staff of the State prosecution service were Emirati citizens.

43. Legislation was constantly being amended to take account of developments in a particular field, and the United Arab Emirates prided itself on having adopted laws to combat terrorism, money laundering, human trafficking and transnational crime which other countries considered models. The successive adoption of laws also enabled the Emirates to fulfil the obligations it assumed under international human rights instruments with ever-increasing efficacy.

44. Replying to Mr. Prosper, he explained that children born to Emirati mothers but fathered by foreign men could only take their father's nationality because the Emirates did not recognize dual nationality. The issue of naturalization was particularly complex and an ad hoc committee had been set up to study the possibility of enabling a female citizen married to a foreign man to pass on her nationality to their children. Lastly, he agreed with the Committee member who had expressed the view that the Convention was a dynamic instrument that required constant reinterpretation.

45. Mr. Prosper expressed satisfaction that the State party was committed to adopting new laws or refining existing legislation in order to fulfil its obligations under the Convention. The fact that the Emirates had renewed the dialogue with the Committee and replied orally and in writing to many of the questions asked by Committee members was a testament to the State party's new constructive attitude to the Convention.

46. He hoped that the next periodic report would contain statistical data on the composition of the population and the socio-economic situation of the various groups, including non-citizens. He acknowledged the State's genuine political commitment to improving the treatment of migrant workers, mainly through the adoption of appropriate legislation. However, due enforcement of the laws should be ensured. To that end, he invited the State party to provide the Committee with information about labour inspections, action taken against offending employers and the penalties imposed.

47. He welcomed the existence of laws to combat discrimination but noted that their main focus tended to be on religious discrimination. He recommended the State to consider the desirability of adopting a specific law on racial discrimination. Lastly, he hoped that the next periodic report of the United Arab Emirates would contain detailed information on marriage-related and nationality-related issues, including any new developments in that area.

48. **Mr. Alawadi** (United Arab Emirates) said that the comments of Committee members had been very instructive and, together with their recommendations, would be given due consideration. He assured the Committee that his country was taking all necessary steps to fulfil its obligations under the Convention.

49. **The Chairperson** thanked the delegation for its frank and constructive attitude and said that the Committee had thus concluded its oral consideration of the twelfth to seventeenth periodic reports of the United Arab Emirates.

50. *The delegation of the United Arab Emirates withdrew.*

*The meeting rose at 12.50 p.m.*