



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

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH  
ARTICLE 9 OF THE CONVENTION**

**Seventeenth periodic report of States parties due in 2007\***

**UNITED ARAB EMIRATES\*\***

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[29 February 2008]

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\* This document contains the 12th, 13th, 14th, 15th, 16th and 17th periodic reports of the United Arab Emirates, due on 20 July 1997, 1999, 2001, 2003, 2005 and 2007, respectively. For the 7th to 11th periodic reports of the United Arab Emirates (consolidated document) and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/279/Add.1 and CERD/C/SR.1113.

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

**CONTENTS**

	<i>Page</i>
Introduction .....	3
I. BASIC INFORMATION: GENERAL FRAMEWORK FOR STATE MEASURES TO ELIMINATE RACIAL DISCRIMINATION .....	3
A. Basic information .....	3
B. Political system .....	5
C. Economic and social development .....	11
D. Policies and procedures for the elimination of racial discrimination .....	14
II. COMMENTS ON THE SUBSTANTIVE ARTICLES OF THE CONVENTION: MEASURES TAKEN BY THE UNITED ARAB EMIRATES TO IMPLEMENT THE CONVENTION .....	20
Article 1: Definition of racial discrimination under domestic law .....	20
Article 2: General policies on the elimination of all forms of racial discrimination .....	20
Article 3: Prohibition of all forms of racial discrimination .....	21
Article 4: Criminal procedures .....	21
Article 5: Right to justice and equity .....	22
Article 6: General framework for judicial practices .....	35
Article 7: Countering prejudice and improving mutual understanding and tolerance .....	35

## **Introduction**

1. Ever since its inception, the United Arab Emirates has striven to observe and protect human rights and ensure that they are safeguarded under its Constitution and legislation. As accession to the international instruments in which these rights are enshrined is one of its key foreign policy goals, the State acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1974, has scrupulously adhered to its provisions and makes constant appeals, in international and regional forums, for the prohibition of racial discrimination and the right of all to a life free from discrimination on grounds of race, sex or colour.
2. The United Arab Emirates has submitted its periodic reports under article 9 of the Convention, which requires States parties to submit to the Committee on the Elimination of Racial Discrimination, for consideration and evaluation, reports on the legislative, judicial, administrative or other measures which they have taken to give effect to the Convention. The United Arab Emirates submitted its twelfth periodic report to the Committee on 23 February 1995. The present report contains its thirteenth to seventeenth periodic reports on the achievements in the social, economic, legislative and regulatory domains which the State has scored in furtherance of the general rights and freedoms exercised in the United Arab Emirates.
3. The present report was prepared under the supervision of the Ministry of Foreign Affairs and with input from all relevant federal and local institutions, in order to ensure consistency with the guidelines on reports adopted by the Committee on the Elimination of Racial Discrimination.

## **I. BASIC INFORMATION: GENERAL FRAMEWORK FOR STATE MEASURES TO ELIMINATE RACIAL DISCRIMINATION**

### **A. Basic information**

4. The United Arab Emirates was established in 1971 as a federation of seven States - Abu Dhabi, Dubai, Sharjah, Ras al-Khaimah, Ajman, Umm al-Qaiwain and Fujairah - with Abu Dhabi as its capital. The State, which is in Asia, occupies the eastern part of the Arabian Peninsula between 22°50' and 26°N and 51° and 56°25'E. It is bounded by Qatar and the Kingdom of Saudi Arabia in the north of the Peninsula and the west of the State, by the Sultanate of Oman and the Kingdom of Saudi Arabia in the south and by the Gulf of Oman in the east.

### **Area**

5. The total area of the State is 83,600 square kilometres. This includes a number of islands with a total area of approximately 5,900 square kilometres.
6. The coastline stretches for 644 kilometres along the southern shore of the Peninsula, from the base of the Peninsula, Qatar, in the west, to Ras Musandam in the east. The eastern shore extends for 90 kilometres along the Gulf of Oman.

## **Topography**

7. Most of the land, particularly in the west, consists of desert interspersed with several well-known oases, such as Al-Ain and Liwa, in addition to fertile pastureland around Al-Zafrah, where groundwater is plentiful. To the south of these areas lie the sand dunes that form the boundary of Al-Ruba' al-Khalil (the Empty Quarter).

8. Jabal Hafit marks the southern boundary of the Buraimi Oasis, where the city of Al-Ain is found, and is approximately 1,220 metres high. In addition, the Hajar mountain range, which is 80 kilometres long from north to south and approximately 32 kilometres wide, cuts across the Musandam Peninsula, then enters the Sultanate of Oman and runs down to the eastern tip of the Arabian Peninsula. The city of Ras al-Khaimah stands at the foot of the northern flanks of this range, which reach an altitude of around 2,438 metres at their highest point. On the western flanks are a number of large valleys and ridges, some of which are used for agriculture.

9. Most of the coastline is sandy, except in the north, in Ras al-Khaimah, at the headland of the Hajar mountain range.

10. The territorial waters tend to be shallow, with an average depth of 35 metres and a maximum depth of 90 metres, except in the Straits of Hormuz, where the water is up to 145 metres deep. The State's territorial waters contain many coral reefs studded with pearl oysters and teeming with fish.

## **Climate**

11. The United Arab Emirates is in the tropical dry zone that stretches across Asia and North Africa, and is also affected by local environmental factors, because of its position on the shores of the Arabian Gulf and of the Gulf of Oman, which is linked to the Red Sea through the Mandeb Straits.

12. High summer temperatures are associated with high humidity rates, and there are marked differences in climate between the coastal, inner desert and mountainous zones which together make up the topography of the State. The State is buffeted by seasonal and non-seasonal winds of two different kinds, which pick up strength in the spring and late summer. It receives little rainfall, and in variable quantities, between November and April.

## **Population**

13. According to the latest figures, the estimated population of the State was around 4,229,000 in 2006. Approximately 3.5 million persons live in urban areas and 700,000 in remote parts of the State. United Arab Emirates nationals account for around 21 per cent of the population. According to the census results, 2.5 million men and women over the age of 15 in the State are economically active.

**Table 1**  
**Geographical distribution of the population of the Emirates, 2006**

Emirate	No.	Percentage
Abu Dhabi	1 430 000	33.81
Dubai	1 372 000	32.44
Sharjah	821 000	19.42
Ajman	212 000	5.01
Umm al-Qaiwain	50 000	1.18
Ras al-Khaimah	214 000	5.06
Fujairah	130 000	3.08
Total	4 229 000	100.00

*Source: The Emirates in Figures, 2007, Ministry of the Economy.*

**Table 2**  
**Population by nationality and sex (2005 census)**

Nationals			Non-nationals			Total		
Male	Female	Total	Male	Female	Total	Male	Female	Total
417 917	407 578	825 495	2 388 224	892 708	3 280 932	2 806 141	1 300 286	4 106 427

*Source: The Emirates in Figures, 2007, Ministry of the Economy.*

## **B. Political system**

14. The United Arab Emirates is a federal State with a federal political system. The Constitution defines the basic features, aims and values of the Federation and the matters entrusted to the Federation in the exercise of its sovereignty throughout the territory and territorial waters inside the international borders of the member Emirates. The member Emirates exercise sovereignty throughout the territory and territorial waters over all matters which are not entrusted to the Federation under the Constitution. The people of the Federation are one people and are part of the Arab nation. Islam is the official religion of the Federation and the sharia is the main source of legislation. The official language of the Federation is Arabic. The federal authorities established by the Constitution are the following.

### **1. Supreme Council of the Federation**

15. This is the highest authority in the State and consists of the rulers of all the Emirates in the Federation or, in the event of their absence or inability to attend, their representatives. Each Emirate has one vote in Council proceedings.

16. The Supreme Council formulates the State's general policy on all matters for which the Federation has competence under the Constitution, and considers all questions pertaining to the furtherance of the Federation's goals and the common interests of the member Emirates. It also ratifies federal laws and decrees and international treaties, approves the appointment of the Prime Minister and accepts his resignation or release from his functions upon the

recommendation of the President of the Federation. It likewise approves the appointment of the president and justices of the Federal Supreme Court and accepts their resignation or dismissal under the conditions laid down in the Constitution. The Council also has supreme oversight functions with regard to the general affairs of the Federation. Article 47 of the Constitution provides that the Supreme Council of the Federation shall carry out the following tasks:

- Formulate general policy on all matters for which the Federation has competence under the Constitution, and consider all questions pertaining to the furtherance of the Federation's goals and the common interests of the member Emirates
- Ratify federal laws prior to their promulgation, including the Federation's annual general budget laws and final accounts
- Ratify decrees on matters subject to the Constitution
- Ratify or approve Supreme Council decrees prior to their issuance by the President of the Federation
- Ratify international treaties and conventions by decree
- Approve the appointment of the Prime Minister and accept his resignation or his release from his functions upon the recommendation of the President of the Federation
- Approve, by decree, the appointment of the president and justices of the Federal Supreme Court and accept their resignation or dismissal under the conditions laid down in the Constitution
- Ensure supreme oversight of the general affairs of the Federation
- Perform any other tasks stipulated in the Constitution or in federal laws

17. Article 49 of the Constitution states: "Supreme Council decisions on substantive matters are taken by a majority of five members, provided that majority includes the votes of the Emirates of Abu Dhabi and Dubai. The minority shall abide by the majority's decision."

18. Council decisions on procedural matters are adopted by majority vote. These matters are defined in the Council's rules of procedure.

## **2. President and Vice-President of the Federation**

19. The Supreme Council of the Federation elects the President and Vice-President from among its members. The Vice-President performs all the duties of the President when the latter is absent for any reason. The President and Vice-President serve a five-year term and can be re-elected. Article 51 of the Constitution provides as follows:

"The Supreme Council of the Federation elects from among its members the President and the Vice-President of the Federation. The Vice-President of the Federation performs all the duties of the President when the latter is absent for any reason."

20. Article 54 of the Constitution states that the President of the Federation performs the following duties:

- (a) Presiding over the Supreme Council and guiding its deliberations;
- (b) Convening and ending meetings of the Supreme Council in accordance with the Council's rules of procedure; a meeting of the Council must be convened whenever a member requests one;
- (c) Convening joint meetings of the Supreme Council and Federal Cabinet as and when required;
- (d) Signing and issuing federal laws, decrees and decisions ratified by the Supreme Council;
- (e) Appointing the Prime Minister of the Federation, accepting his resignation and releasing him from his functions, subject to the approval of the Supreme Council; appointing the Deputy Prime Minister of the Federation and ministers, accepting their resignation and releasing them from their duties on the recommendation of the Prime Minister of the Federation;
- (f) Appointing diplomatic representatives of the Federation to foreign States, as well as other senior civilian and military federal officials, excluding the president and justices of the Supreme Court, and accepting their resignation and dismissal subject to the approval of the Federal Cabinet. Decisions to appoint, accept the resignation of, or dismiss these persons are taken by decree and in accordance with federal law;
- (g) Signing the credentials of diplomatic representatives to the Federation from foreign States and entities; accepting the accreditation of foreign diplomatic and consular representatives to the Federation and receiving their credentials; signing representatives' letters of appointment and credentials;
- (h) Overseeing the implementation of federal laws, decrees and decisions by the Federal Cabinet and ministers;
- (i) Representing the Federation at home and abroad and in all international relations;
- (j) Exercising the right to grant a pardon and commute sentences, and endorsing death sentences in accordance with the Constitution and federal law;
- (k) Bestowing military and civilian medals and honours in accordance with the relevant laws;
- (l) Performing any other functions vested in him by the Supreme Council or pursuant to the present Constitution or federal law.

### **3. Federal Cabinet**

21. As stated in article 55 of the Constitution, the Federal Cabinet consists of the Prime Minister, the Deputy Prime Minister and a number of ministers. Article 56 states: "Ministers

shall be selected from among citizens of the Federation who are well-known for their skills and experience.” Article 60 states: “The Cabinet, in its capacity as the executive body of the Federation, subject to oversight by the President of the Federation and the Supreme Council, shall deal with all aspects of domestic and foreign affairs for which the Federation has competence under the present Constitution and federal law.”

22. In particular, the Cabinet carries out the following functions:

(a) Following up on the implementation of the general domestic and foreign policy of the Federal Government;

(b) Proposing draft federal laws and transmitting them to the Federal National Council before they are submitted to the President of the Federation to lay before the Supreme Council for ratification;

(c) Preparing the Federation’s draft general annual budget and final accounts;

(d) Preparing draft decrees and decisions of different kinds;

(e) Formulating regulations on the implementation of federal laws without introducing any amendments, invalidating provisions or derogations, and formulating disciplinary regulations and regulations on the structure of public administration and institutions, in accordance with the present Constitution and federal laws. The competent federal minister or any other administrative body may be empowered, by means of a special legal provision or by the Cabinet, to issue certain of these regulations;

(f) Overseeing the implementation by all the competent authorities in the Federation or the Emirates of federal laws, decrees, regulations and decisions;

(g) Overseeing the enforcement of federal court judgements and international treaties ratified by the Federation;

(h) Appointing and dismissing, in accordance with the law, federal officials whose appointment or dismissal does not need to be effected by decree;

(i) Monitoring the performance of the federal administration and public institutions and the general conduct and discipline of federal employees;

(j) Any other particular functions vested in it pursuant to the law or by the Supreme Council under the present Constitution.

#### **4. Federal National Council**

23. The Federal National Council comprises 40 seats which are allocated among the member Emirates as follows: Abu Dhabi: 8 seats; Dubai: 8 seats; Sharjah: 6 seats; Ras al-Khaimah: 6 seats; Ajman: 4 seats; Umm al-Qaiwain: 4 seats; and Fujairah: 4 seats.



Article 69 of the Constitution states: “Every Emirate shall be left to determine the method for selecting its representatives in the Federal National Council.” Article 70 defines the conditions for membership as follows:

“Members of the Federal National Council must satisfy the following criteria:

“(a) They must be citizens of one of the Emirates in the Federation and reside permanently in the Emirate that they represent in the Council.

“(b) At the time of selection, they must not be below 25 years of age.

“(c) They must have civil capacity, a record of exemplary conduct, a good reputation and no previous convictions for dishonourable offences, unless they have been rehabilitated in accordance with the law.

“(d) They must be completely literate.”

24. Article 71 of the Constitution states: “Membership of the Federal National Council may not be combined with any other public office in the Federation, including ministerial office.” With regard to the term of membership, article 72 of the Constitution states: “Membership of the Council shall be for two years, beginning on the date of the Council’s first meeting. Thereafter, the Council shall define the period remaining until the end of the transition phase referred to in article 144 of the present Constitution. Members may be re-elected when their mandate comes to an end.”

25. Article 89 of the Constitution refers to the Council’s law-making functions. It states: “Without prejudice to article 110, federal bills, including finance bills, shall be referred to the Federal National Council prior to submission to the President of the Federation for consideration and ratification by the Supreme Council. These bills shall be debated by the Federal National Council, which may approve, amend or reject them.”

26. As for international treaties, article 91 of the Constitution states: “The Government shall notify the Federal Council of the international treaties and conventions which it concludes with other States and international organizations and shall provide it with relevant background information.”

27. Federal Supreme Council Decision No. 4 of 2006, concerning the method for selecting representatives of the Emirates to the Federal National Council, was a constitutional turning point in the consolidation of the democratic process on which the State has embarked, a process based on political participation by all members of society and the empowerment of the people of the Emirates to elect the members of the Council according to a procedure which combines elections with appointments in the initial stage. Article 1 of the Federal Supreme Council decision states: “Half the members shall be elected by an electoral college consisting of a minimum of multiples of one hundred times the number of representatives of each Emirate.” Article 2 states: “The other half shall be chosen by the ruler from among the members of each Emirate.”

## 5. The federal court system

28. Article 94 of the Constitution states: “Justice is the foundation of government. Judges are independent and in the performance of the duties are subject to no authority other than the law and their own conscience.” The court system in the United Arab Emirates consists of the Federal Supreme Court, which sits in the federal capital, and appeals courts and courts of first instance in various cities. The Federal Supreme Court is composed of the president and up to five justices. They are appointed by a decree of the President of the Federation, subject to the approval of the Supreme Council. Local judicial bodies in each Emirate deal with legal matters that do not come under the purview of the federal courts.

29. Article 99 of the Constitution defines the functions of the Federal Supreme Court as follows:

The Federal Supreme Court shall issue rulings on the following matters:

- (a) Disputes between member Emirates of the Federation or between one or more Emirates and the Federal Government which are referred to the Court at the request of any of the parties concerned;
- (b) Verification of federal laws which one or more Emirates challenge on grounds of unconstitutionality, and verification of any law adopted by an Emirate which is challenged by a federal authority on the grounds of unconstitutionality or incompatibility with federal law;
- (c) Verification of the constitutionality of laws, legislation and regulations in general, upon the request of any domestic court hearing a case. The court concerned must abide by the Federal Supreme Court’s ruling on the matter;
- (d) Interpreting the Constitution, at the request of a federal authority or the Government of an Emirate; such interpretations shall be binding on all;
- (e) Trying ministers and senior federal officials appointed by decree for offences committed during the course of their official duties, at the request of the Supreme Council and in accordance with the relevant law;
- (f) Trying offences that directly harm the interests of the Federation, such as offences against internal or external security, the forging of official documents and the seals of any federal authority and counterfeiting;
- (g) Adjudicating disputes over jurisdiction between the federal courts and local federal bodies in the Emirates;
- (h) Adjudicating disputes between federal institutions in different Emirates over jurisdiction and applicable federal regulations;
- (i) Any other functions entrusted to it under the present Constitution or that may be entrusted to it pursuant to a federal law.

### **C. Economic and social development**

30. The development policy which the United Arab Emirates has adopted has succeeded in bringing about high rates of growth in all economic and social sectors. Gross domestic product (GDP) rose from 321 billion dirhams (Dh) in 2003 to Dh 599.23 billion in 2006. The contribution of the non-petroleum sectors amounted to Dh 375.809 billion, accounting for 62.7 per cent of total GDP and 223.4 billion dirhams, while income from the oil and gas sector accounted for 37.3 per cent of GDP. Income per capita rose from Dh 91,500 in 2003 to Dh 147,100 in 2006.

31. Since its inception, the United Arab Emirates has experienced rapid economic and social growth such as is rarely achieved in developing, or even advanced, societies. It has used growing revenue from oil sales to supply the basic needs of society. The State is one of those countries that has made a good impression on the international community, because of its generous donations of aid and assistance to Arab States and other developing countries across the world. The following are some of the State's most important domestic achievements:

- (a) The establishment of a majority of existing infrastructure projects;
- (b) The establishment of educational and health institutions and the delivery of educational, health, social and cultural services;
- (c) The procurement of production and investment materials and equipment for the creation of different types of industries;
- (d) The enactment of laws and regulations and the creation of a modern structure for the administration of the State;
- (e) The enactment of flexible laws to facilitate recruitment of foreign labour and supply the necessary manpower to meet the requirements of different development projects;
- (f) The use of modern technologies tailored to the real needs of the State;
- (g) The encouragement of women's participation in the workforce and in development efforts;
- (h) The creation of channels for economic, commercial, political and cultural cooperation with the outside world in furtherance of the mutual interests of the State and of friendly and fraternal States and peoples.

32. The United Arab Emirates pursues a liberal economic policy which is based on free trade, commercial exchanges and the free flow of capital and services. The policy is geared towards the development of the national economy and the diversification of sources of income. The Emirates also seeks to achieve balanced economic and social development for the State as a whole and in each member Emirate of the Federation, endeavouring to strike a balance between social development and economic growth when formulating its policies and future plans. As a result of its development policies, the United Arab Emirates has managed to place itself among the leading countries of the world. The 2005 Human Development Report published by the

United Nations Development Programme (UNDP) gave the State a positive ranking, placing it in forty-first position out of the 177 States covered by the report and second in the Arab world.

33. The report shows that the State has achieved real progress when measured against the development indicators of gender and gender equality. This is the result of quantitative and qualitative changes in the areas of education and health.

34. The report also shows that the State enjoys a high standard of living in general and that the incidence of poverty and deprivation has fallen to a record low, while adult literacy rates have risen. The advances made in regard to health services delivery are clearly reflected in all the health indicators, pointing, for example, to a fall in the infant and under-5 mortality rates, in the percentage of babies with low birthweight and in the maternal mortality rate. The number of children over the age of 1 who have been fully vaccinated against tuberculosis and measles has risen, and the number of doctors per 1,000 of the population has likewise risen. The report points to an increase in the proportion of GDP spent on health services in the Emirates.

35. With regard to education and modern technology, the 2005 Human Development Report shows that the Emirates has made considerable endeavours and spent increasing amounts of money on education, raising the rate of enrolment in primary education and increasing the proportion of girls in different stages of education compared to boys.

36. There have also been major changes and a huge qualitative shift in the fixed and mobile telephones sector and in Internet use, as a result of the growing development and expansion of services.

37. By way of confirmation of the findings of the Human Development Report, the World Development Indicators 2007 report issued by the World Bank also shows that the Emirates has a high ranking when measured against the world development indicators, recording one of the strongest performances globally in education, health, the environment and the promotion of inward investment. At the same time, the sixth annual report of the World Economic Forum, on information technology in 2006-2007, which contains an indicator on network readiness as a measure of progress in the information technology and communications sector, shows that the Emirates occupies a leading position in the Arab and Islamic world, ranking twenty-ninth globally.

38. In view of the high standard of living and economic and social prosperity which the Emirates enjoys, the Mercer Human Resources Consulting company ranked Abu Dhabi and Dubai top among the cities in the Middle East and the Arab world in terms of quality of life. They shared fifty-eighth place out of a total of 215 cities across the world, which were ranked according to the health and medical services available and quality of life.

39. The delegation from the International Monetary Fund which visited the State recently praised the excellent economic performance resulting from the State's policy of: relying on market mechanisms; strengthening economic policy; ensuring that investments of oil revenue are properly managed; according an important role in development to the private sector; and successfully turning the economy into an integrated economy where the State plays a stronger role as a regional centre for the export of services, so as to promote social development and individual prosperity.

40. The delegation also welcomed the Federal Government's achievements in regard to financial reforms, including draft budget programmes and the performance and implementation of the global Government's financial statistics system and consolidated accounts.

41. The State has furthermore made efforts to restructure activities and devolve services provision to the private sector. The Government has introduced efficiency standards, directed additional expenditure towards the health and education sectors and subsidized housing for citizens on low incomes. The Government has also made efforts to involve the private sector more fully in infrastructure development and the delivery of services such as electricity and water, reducing the number of government-supplied services, devolving their provision to the private sector and cutting down on the number of persons in the Government's employ.

42. The most recent statistics produced by the Ministry of the Economy show that GDP per capita has increased as a result of the State's economic policy, as illustrated in table 3.

**Table 3**

Indicator		2006
Average GDP per capita	(In Emirates dirhams)	141.7
Total (in thousands)	(United States dollars)	38.6
Workforce (in thousands)	Males	2 288
	Females	359
	Total	2 647
Workforce as a percentage of the total population; crude activity (participation) rate	Males	79.0
	Females	26.9
	Total	62.6
The unemployed as a percentage of the total workforce (unemployment rate)	Males	2.58
	Females	6.96
	Total	3.17
Total allowances:		25.5
Old age allowance		1.1
Child allowance		24.4
Population density per square kilometre		54
Rural population as a percentage of the total population		17.5
Gender ratio (number of males per 100 females)		217
Crude birth rate (per 1,000 population)		14.9
Total fertility rate		1.96
Crude mortality rate (per 1,000 population)		1.55
Life expectancy at birth	Males	76.5
	Females	78.5
	Total	77.4
Infant mortality rate (per 1,000 live births)		7.3
Illiteracy rate*	Males	10.0
	Females	7.6
	Total	9.3

Source: *Emirates in figures, 2007*, Ministry of the Economy.

\* Data for 2005.

43. The United Arab Emirates uses oil wealth for social development, in keeping with the fundamental principles on which the federal State was founded and the general aims of development, namely, that the human person in the Emirates must be the beneficiary of development and social services. As a result of this policy, the State has succeeded in helping its people to escape the cycle of poverty, illiteracy and disease, and has improved their economic and social welfare, providing them with free services inter alia in the areas of education, health, housing, culture, sanitation and infrastructure.

44. In a 2005 report, the World Health Organization confirmed that the State of the Emirates has been highly successful in reducing the under-five mortality rate, which is approximately 8 per 1,000 live births. The report indicates that the vaccination rate among newborns and children under 2 has reached 98 per cent and that the Emirates are free from infant poliomyelitis and malaria.

45. As a result of various developments, family life in the Emirates has changed significantly over the past few years, with the shift from Bedouin and nomadic life to a more sedentary existence and from extended families to nuclear families. The roles played by men and women in society have continued to evolve on the basis of complementarity of roles and responsibilities, since men and women have different responsibilities and duties towards the family and society.

46. The Millennium Development Goals report prepared in 2006 by the Ministry of the Economy, in conjunction with the United Nations Development Programme, confirmed that the Emirates has succeeded in meeting many of the Goals, particularly those on education and health, before the May 2015 deadline, and that the relevant indicators are close to those in advanced countries.

47. The State's development strategies are geared towards the promotion of the private sector's role, the diversification of sources of income, the development of human resources and technology transfers and meeting all the requirements for entry into the global economy.

#### **D. Policies and procedures for the elimination of racial discrimination**

##### **1. Status of the Convention on the Elimination of All Forms of Racial Discrimination under the State's domestic law**

48. Article 46 of the Constitution provides: "The Supreme Council of the Federation is the supreme federal authority and comprises the rulers of all the Emirates that make up the Federation, or, in the event of their absence or inability to attend, their representatives in the respective Emirates. Each Emirate has one vote in Council proceedings."

49. Article 47 of the Constitution, concerning the functions of the Supreme Council, contains a paragraph stating that the Council shall ratify international treaties and conventions by decree. Article 60 of the Constitution, concerning the functions of the Cabinet, contains a paragraph stating that one of the Cabinet's functions is to oversee the enforcement of federal court judgements and international treaties entered into by the Federation.

50. The Constitution makes it clear that a treaty which has been ratified pursuant to a federal decree and published in the Official Gazette carries the force of law and has the status of a State law, if the decree on accession, or ratification, provides that the treaty shall enter into force on the date of publication in the Official Gazette. In this way, the treaty becomes a State law which the Cabinet and relevant minister are bound to enforce. With regard to the link between human rights principles, the prohibition of racial discrimination as provided for under the Convention and the principles set out in the Constitution of the State, all these principles enjoy twofold protection under State law, because they are enshrined in the Constitution and because the Convention has the status of a domestic law, so that no provisions may be enacted that conflict with it.

## **2. General legal framework for the protection of human rights and prohibition of racial discrimination**

51. Since its inception in 1971, the United Arab Emirates has created a legal and legislative system to regulate all relations between persons and institutions in the State. The Constitution is the fundamental reference point for legislation and laws on many different issues.

52. The constitutional guarantees of human rights in the United Arab Emirates are found in the core articles of the Constitution on public rights and freedoms, the provisions of which take precedence over ordinary legislation and laws, are endowed with a binding force and have indisputable legal value. In dealing with public rights and freedoms, the authors of the Constitution of the United Arab Emirates, were guided by the rights, freedoms and guarantees recognized in the Universal Declaration of Human Rights and international human rights treaties. Thus, the Constitution includes most of the rights set forth in those international instruments.

53. Chapter III of the Constitution deals with public rights, freedoms and duties, as provided for in the following articles:

Article 25: "All persons 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."

Article 26: "Personal freedom is guaranteed to all citizens, and no one may be arrested, searched or detained other than in accordance with the law. No one may be subjected to torture or degrading treatment."

Article 29: "Freedom of movement and residence is guaranteed to citizens, subject to the limits laid down by law."

Article 30: "Freedom of opinion and of oral, written and other forms of expression is guaranteed, subject to the limits laid down by law."

Article 31: "The freedom and confidentiality of postal and telegram correspondence and other means of communication are guaranteed by law."

Article 32: "The freedom to perform religious observances in accordance with established traditions is safeguarded, without prejudice to public order or public morals."

Article 33: “Freedom of assembly and of association is guaranteed, subject to the limits laid down by law.”

Article 34: “Every citizen is free to choose his own occupation, profession or trade, subject to the limits laid down by law and having due regard for the legislation regulating certain professions and trades. No person may be subjected to forced labour other than in the exceptional circumstances provided for by law and in return for compensation. No person may be enslaved.”

Article 35: “Equal access to public employment is afforded to all in accordance with the law. Public employment is national service entrusted to the holders of public positions, who must carry out their official duties solely in the public interest.”

Article 36: “Homes are inviolable and may only be entered without the permission of the owners in accordance with the law and the conditions laid down therein.”

Article 37: “Citizens may not be expelled from, or denied entry to, the Federation.”

Article 38: “The extradition of all citizens and political refugees is prohibited.”

Article 39: “The expropriation of public property is prohibited, and the penalty of expropriation of private property may only be imposed pursuant to a court order and under the conditions defined by law.”

Article 40: “Foreigners in the Federation enjoy the rights and freedoms recognized in the applicable international covenants, treaties and conventions to which the Federation is a party and incur the corresponding obligations.”

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

### **3. Regulations on participation in camel racing**

54. Act No. 15 of 2005 regulates participation in camel racing. Article 1 prohibits any form of participation by persons of either sex below the age of 18. The article also renders null and void all procedures for the recruitment of persons in this category. Article 2 prescribes a penalty of up to three years in prison and/or a fine of up to Dh 5,000 for any breach of the Act. The penalty is doubled in cases of recidivism.

55. On 5 August 2005, the United Arab Emirates signed a cooperation agreement with the United Nations Children’s Fund (UNICEF) providing for the identification and registration of [child] camel jockeys and their return to their home countries, local reintegration and social and psychological rehabilitation. The authorities concerned took the necessary action by allocating close to \$2.7 million to rehabilitate children involved in this work and provide for their return to their home country. The Government took steps to assist UNICEF by establishing a number of shelters for child camel jockeys who had been rescued. A total of 1,070 children were repatriated after being identified by the competent authorities as victims of trafficking. The State provided assistance to facilitate their reintegration in their home countries.



56. The Emirates has acceded to the United Nations Convention on the Rights of the Child and International Labour Organization Conventions Nos. 29, 138 and 182, which all prohibit the smuggling of children for the purposes of their employment in camel racing or hazardous work.

#### **4. Combating human trafficking**

57. In keeping with its determination to combat human trafficking offences and all forms of exploitation, particularly of women and children, the State issued Federal Act No. 51 of 2006 on combating human trafficking. Article 1 of the Act defines human trafficking as the recruitment, transfer, removal or receiving of persons by means of the threat or use of force or any other form of coercion, abduction, deception, deceit, abuse of authority, exploitation of a situation of vulnerability or the giving or receiving of sums of money or favours in order to obtain the consent of another person, for the purposes of exploitation. The subsequent articles enumerate the different forms of human trafficking as follows: "Exploitation includes all forms of sexual exploitation; exploitation of the prostitution of others; bonded labour; forced labour; slavery or practices similar to slavery; servitude or the removal of human organs."

58. One of the most important aims of criminal policy is to ensure that domestic laws are drafted in such a way that penalties reflect the gravity of crimes. Given the gravity of human trafficking offences, because of the terrible physical and psychological harm that they do to the victims, the fact that they offend against the human values on which the sharia, the main source of domestic law, is based, and the fact that these offences are incompatible with the values of Emirates society, the legislature of the Emirates has introduced severe penalties for human trafficking, namely, a fixed term of not less than five years' imprisonment. The penalty is increased to life imprisonment if the offence is attended by aggravating circumstances.

59. Article 12 of the Act on human trafficking provides for the establishment of a committee - the National Committee on Human Trafficking - consisting of representatives of a number of government departments such as the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Labour, the Ministry of Social Affairs and the Ministry of Health, as well as the security services and the Red Crescent Society. The Committee's tasks include:

- Studying and updating legislation on trafficking in order to provide victims with appropriate protection in keeping with international standards
- Preparing, in conjunction with relevant State entities, reports on the measures taken by the State to combat human trafficking
- Studying reports on human trafficking and taking the necessary follow-up action
- Coordinating efforts to combat human trafficking with the relevant State authorities, including ministries, government agencies, institutions and other bodies, through conferences, seminars, publications and training and other events aimed at realizing the Committee's goals

- Participating, with relevant State authorities, in international conferences and forums on human trafficking, and representing the views of the State in these forums
- Carrying out any other activities entrusted to the Committee in this connection

### **5. Grace period for persons in breach of the Residence Act**

60. On 3 June 2007 the Cabinet adopted Decision No. 331/1, granting a grace period to persons who had breached the Residence and Employment Act in order to allow them to leave the State or to resolve their situation within three months of the date of issuance of the Decision. The Decision lays down the following general principles and rules:

1. The Decision does not apply to persons arriving in the State after it enters into force because the grace period will be in effect during a number of annual events, such as the Dubai Trade Fair and Ramadan, which attract large numbers of visitors.
2. The person leaving the State must not be an investor or an employer; such persons act as sponsors for others and must resolve their situation before leaving.
3. All persons who have breached the Act must be fingerprinted, and checks must be done before they leave to ensure that they are not subject to any security restrictions.
4. Inspections will be suspended during the grace period in order to intensify efforts to complete the procedures for those in breach of the Act.
5. Agreements shall be made with embassies and foreign consular offices present in the State to facilitate the departure of persons who cannot afford to pay for a ticket home.
6. An amount of money shall be set aside for emergencies and contingencies.
7. Lists of figures containing full information on departing offenders shall be drawn up.
  - Operations rooms working around the clock shall be set up by the investigating judge to facilitate the exit process; a shift system will be in effect during the grace period.
  - Steps will be taken to ensure that airline companies do not exploit the situation but facilitate the departure of the persons concerned. The following groups will benefit from the present Decision:
    - (a) Passport holders who have overstayed their visas, whether they have work, residence or tourist visas of any kind;
    - (b) Persons who have lost their passports;
    - (c) Investors and persons who have sponsors.

61. The Cabinet Decision allowed persons wishing to change their status in the State to do so, on condition that they had not entered the country illegally, by making it possible to renew their residence cards and work permits using the name of the existing sponsor, without them incurring any fines or allowing for the transfer of sponsorship to another person or enterprise. If the person concerned had run away from his or her sponsor, the sponsor's agreement would be needed for the transfer of sponsorship.

#### **6. Establishment of women's and children's refuges in the United Arab Emirates**

62. The President of the United Arab Emirates Red Crescent Society issued Decision No. 1 of 2008 providing for the establishment in the State of women's and children's refuges with legal personality, financial and administrative autonomy and a humanitarian mission of protecting women and children, whether nationals or foreigners, who are victims of human trafficking and sexual exploitation. The refuges provide the women and children in their care with suitable accommodation, guarantee respect for their human dignity, alleviate their suffering and offer them all kinds of social, legal, psychological, medical, educational and vocational support. They will also help victims during police investigations and in court, ensuring their right to a defence and helping them to return safely to their country.

#### **7. Social welfare**

63. The United Arab Emirates pursues several social action strategies which were all established, in cooperation with United Nations experts, to ensure social justice and social security, provide a decent life for nationals and foreign residents, foster social development and progress, provide for families, protect children, ensure the welfare and rehabilitation of persons with disabilities and assist older persons, widows and persons with limited financial resources by paying them regular monthly allowances that are sufficient for a decent life.

64. The Ministry of Social Affairs implements Federal Act No. 6 of 2001, concerning social security, and a series of comprehensive social programmes designed to provide all social groups with a decent life.

65. Social development centres in the different Emirates play a vital role in social development, organizing activities, including seminars, talks, field visits and training courses, and creating literacy centres and traditional crafts centres in order to train groups, particularly women, for participation in the overall development process.

66. In August 2006, the Ministry of Social Affairs began implementing a Cabinet decision providing for the creation of crèches for the children of civil servants in ministries and government bodies and institutions with 50 or more employees who have no fewer than 20 children under the age of 4 between them.

67. The State encourages the establishment of public welfare associations, and issued Federal Act No. 2 of 2008, concerning civil public welfare associations and institutions. The

Government offers technical and material support and provides premises for some associations to help them to carry out their activities. There are a total of 121 associations pursuing different aims and activities, including in the social, sports, cultural, legal and vocational domains.

## **II. COMMENTS ON THE SUBSTANTIVE ARTICLES OF THE CONVENTION: MEASURES TAKEN BY THE UNITED ARAB EMIRATES TO IMPLEMENT THE CONVENTION**

### **Article 1: Definition of racial discrimination under domestic law**

68. The United Arab Emirates consistently strives to promote the principles of justice and equality in all its domestic legislation and regulations, based on the values of the Islamic faith, which is a source of legislation. Since its inception, the State has taken care to enact laws that regulate rights and obligations and prohibit discrimination, which is incompatible with the values, customs and traditions of the people of the State.

69. In keeping with article 1 [of the Convention], which defines racial discrimination and with the provisions of that guarantee everyone, whether nationals or residents, protection against any form of discrimination, general norms have been written into the Constitution and domestic criminal, civil and economic laws, enunciating the principle of equal public rights and obligations and the prohibition of all forms of racial discrimination.

### **Article 2: General policies on the elimination of all forms of racial discrimination**

70. The Emirates consistently condemns racial discrimination, promotes justice and equality and endeavours to implement laws and legislation to guard against any form of discrimination. Accordingly, it has taken steps to strengthen the judiciary, granting it full independence which ensures access to legal remedies and the recognition of rights.

71. Article 16 of Federal Act No. 2 of 2008, concerning public welfare associations and institutions, states: "No association may deviate from the object specified in its statute. Associations and their members are prohibited from stirring up sectarian, racist or religious strife."

### **Paragraphs (d) and (e)**

72. The people of the United Arab Emirates have ever practised the values of tolerance, harmony and fellowship with different peoples and races, in keeping with the values inherent in the precepts of Islam and in the light of existing trade links and exchanges with different countries. The State is a point of contact between West and East and a conduit for commercial and cultural exchanges with the rest of the world. Hence, the people and residents of the United Arab Emirates condemn all manifestations of discrimination and live lives that demonstrate a constant awareness of the full implications of human compassion. As a result, daily life is untroubled by behaviours that are incompatible with noble values, and the State does not need to enact legislation to deal with any violations of the Convention.

73. In addition, resident expatriate communities have the right to set up their own cultural associations or pursue business activities under the Public Welfare Associations and Institutions Act. Existing associations include: the Jordanian Association; the Indian Ladies' Association; the Sudanese Women's Association; the Islamic Indian Centre; the Indian Social and Cultural Club; and the Arab Republic of Egypt Club.

74. There is more than one business council of businessmen and investors which has been formed for a specific activity. These include the Indian Business and Professional Council; the British Business Group; the French Business Council; and the German Business Council. Chambers of Commerce and Trade regulates the statutes of these bodies.

### **Article 3: Prohibition of all forms of racial discrimination**

75. In the political positions that it has articulated in all international forums and at international and regional meetings, ever since its inception in 1971 the United Arab Emirates has consistently condemned all forms of racial discrimination and distinction, and refused to have dealings with any State that applies discriminatory policies, because it is driven by a constant desire to promote human rights principles.

76. The people and residents of the State, as well as visitors, live together in complete harmony, and the law guarantees residents the right to use health, educational and leisure facilities on an equal basis with citizens and without any discrimination.

### **Article 4: Criminal procedures**

77. In keeping with the aims of the Constitution, the Federal Criminal Code No. 3 of 1987, as amended by Federal Act No. 34 of 2005, includes several provisions outlawing violence in general. Article 312 of the Code prescribes a term of imprisonment or a fine for any person who desecrates a sacred Islamic object, denigrates an Islamic rite or insults any of the revealed religions.

78. Article 102 of the Code defines an aggravating circumstance as: taking advantage of the victim's mental incapacity or inability to offer resistance or of circumstances which prevent the victim from defending himself or herself; using brutality in committing an offence; impersonating the victim; or a circumstance in which a civil servant abuses his authority, office or role to commit the offence.

79. The Code prescribes penalties for anyone who commits the following offences:

- Offences against religious beliefs or rites
- Offences against the family
- Offences against the person
- Offences against honour

- Defamation
- Financial crimes

### **Article 5: Right to justice and equity**

#### **Paragraph (a)**

80. Article 25 of the Constitution states: “All persons are equal before the law, and there shall be no discrimination between citizens of the Federation on grounds of origin, place of residence, religious belief or social status.

81. Article 28 states: “Punishment is an individual matter, and accused persons are innocent until proven guilty in a fair and legal trial. Accused persons have the right to engage competent counsel to defend them at trial. The law shall specify the conditions under which counsel for the accused must be present. The infliction of physical or mental harm on an accused person is prohibited.”

82. Article 41 of the Constitution states: “Everyone has the right to submit a complaint to the competent authorities, including the judicial authorities, concerning violations of the rights and freedoms set forth in the present chapter.”

#### **Paragraph (b)**

83. Article 10 of the Constitution states that the goals of the Federation are to: preserve its independence, sovereignty, security and stability; repel all attacks against it or member Emirates; protect the rights and freedoms of the people of the Federation; establish close cooperation between the Emirates for the sake of the common good, in order to achieve these aims and in furtherance of prosperity and progress in all areas; provide a better life for all citizens; and ensure that each member Emirate respects the independence and sovereignty of the other Emirates in respect of their domestic affairs in the scope of the present Constitution.

84. Article 26 of the Constitution states: “Personal freedom is guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except in accordance with the law, and no one may be subjected to torture or degrading treatment.”

85. Although it is in the public interest that punishment should be effective and swift, the law has established a number of safeguards to protect individual freedoms and rights. Accused persons are afforded a wide range of guarantees to enable them to defend themselves and to protect them from harm or torture. Hence, article 2 of Federal Act No. 29/2005 states: “It is prohibited to inflict bodily or mental harm on an accused person or to subject a person to torture or degrading treatment.”

86. Article 298 of the Act states: “Where a man and his wife are sentenced to deprivation of liberty, enforcement of the sentence in respect of one of them may be deferred until the other person is released, if they are responsible for the care of a minor below the age of 15.” In this way, the Act guarantees the welfare of the child as a party that is innocent of the sins of the parents and thus ensures the child’s social stability and protection.

**Paragraph (c)**

87. With regard to political rights, chapter IV of the Constitution of the United Arab Emirates is entirely devoted to the subject of the Federal National Council, the members of which represent all the people of the Federation, as stated in article 77.

88. Supreme Federal Council Decision No. 4 of 2006, followed by Presidential Decision No. 3 of 2006 define methods for selecting representatives of the Emirates to the Federal National Council: half of its members are elected directly by an electoral college, and a national committee is formed to run the elections.

89. For the first time ever, the State conducted a new and unique experiment in which the Federal National Council was elected by designated electoral colleges between 16 and 20 December 2006. Citizens were given ample opportunity to express their views and opinions on many issues relating to development. The electoral college consisted of a total of 6,688 persons, of whom 1,189 were women. In this way, the first parliamentary assembly of the Emirates was formed, with half its members being chosen by direct ballot.

90. Women of the United Arab Emirates made a strong showing in the Council; eight were appointed and one was elected. That this number of women entered the Council for the first time testifies to the political wisdom of the leadership of the State and the attention paid to women's role in the development of political participation. It also illustrates how the role of women in society has come to the fore in recent years, with four women ministers in the present Government line-up, one each at the Ministry of International Trade and the Ministry of Social Affairs and two occupying positions as Ministers of State. Women's entry into the political fray is a genuine turning point in the democratic process on which the Emirates has embarked and is likely to add value to the work that women do in all fields.

**Paragraphs (d) (i) and (ii)**

91. Article 29 of the Constitution states: "Freedom of movement and residence is guaranteed to citizens within the limits set by law." Article 22 of Federal Act No. 17 of 1972, concerning nationality, driving licences and passports, stipulates: "Every citizen is entitled by law to a passport. A passport is a document issued by the State under the present Act and allows the holder to travel from country to country, subject to the conditions imposed by each country."

92. Article 23 states: "No citizen of the State may leave or return to the country without a passport."

93. Article 24 states: "Departure from and return to the country may only be effected at designated ports, after the passport has been stamped." Article 25 provides: "Citizens have the freedom to move between the member Emirates of the Federation."

94. Federal Act No. 6 of 1973, as amended, concerning alien entry and residence, regulates the procedures for obtaining entry visas to the State, the different types of visas (tourist or work visas), and the procedures for obtaining resident status for the purposes of work.

95. With regard to the legislation prohibiting travel, a person with a criminal record may be prohibited from travelling pursuant to a court order and article 329 *et seq.* of the Federal Code of Civil Procedures. Paragraph 3 of article 329 states: “Where a court issues an order banning a person from travelling, it may give orders for the passport of the convicted person to be placed in the court vault and may disseminate the travel ban or injunction to all ports of entry and exit in the State.”

**Paragraph (d) (iii)**

96. Article 8 of the Constitution stipulates: “Citizens of the Federation shall have a single nationality, as defined by law, and shall enjoy abroad the protection of the Government of the Federation in accordance with the applicable international rules.” “Nationality may not be revoked or withdrawn from a citizen, other than in the exceptional circumstances specified by law.”

97. With regard to acquisition of nationality by the children of a female citizen of the United Arab Emirates who is married to a foreign man, further to instructions issued by the President of the State on 13 August 1998 asking for information to be submitted to the Office of the President on the children of female citizens married to foreigners, including the wife’s name, the name, nationality, place of work and address of the husband and the names of the children, a circular was sent to immigration and residence departments instructing them to fill in forms with the requisite information and to append supporting documentation.

98. As for the “Bidun”, Ministerial Decision No. 167 of 2006 on the restructuring of the Committee on the Status of Stateless Persons (the “Bidun”) tasked the Committee with the conduct of a census of persons entitled to nationality who were present in the State prior to the establishment of the Federation and had been counted previously. Priority was given to persons in government jobs with a long service record. The Committee was required to submit tables with the names of eligible persons and their family members. A decree was issued granting the nationality of the State to 1,294 persons. The remaining tables were submitted to the Ministry of Presidential Affairs and the procedures for granting nationality to the persons concerned will be completed in due course.

**Paragraph (d) (iv)**

99. Article 19 of Federal Act No. 28/2005, concerning personal status, regulates marriage contracts and the conditions set out therein with a view to guaranteeing that families are established on stable foundations which ensure that the spouses carry out their duties lovingly and compassionately.

100. In keeping with the sharia, consent is a key element of the marriage contract. Indeed, this is how consent is described in article 38, paragraph 3, of the Personal Status Code. Thus, under article 61 of the Code, if consent is not given, the marriage contract is null and void. Article 39 of the Code explicitly states that the wife must consent to the marriage. Article 20 furthermore states that the spouses may stipulate whatever conditions they may agree upon, provided that they do not agree to something which is forbidden and or forbid that which is permitted.



**Paragraph (d) (v)**

101. Any person may legitimately own and acquire any property that he or she may desire, and such property shall be safeguarded, provided that it was lawfully acquired. This right is recognized in article 21 of the Constitution, which states: "Private property shall be protected. The law shall specify the restrictions which may be imposed on property, and no one shall be deprived of his property other than in circumstances dictated by the public good, in accordance with the law and in exchange for fair compensation."

102. Article 22 of the Constitution articulates the principle of the inviolability of public property, while article 39 recognizes the right to protection against expropriation and revocation of property.

103. According to the Constitution, the natural resources in each Emirate constitute public property for the benefit of the national economy. Under article 23, private ownership of natural wealth and resources is prohibited. In order to prevent the over-concentration of economic power in the hands of any one party, the Constitution allows for limits to be set on private ownership and for the public expropriation of private property in exchange for fair compensation.

104. On the basis of these rights, individuals have the unrestricted right to dispose of their property by selling, leasing, gifting or legally transferring it upon the death of an ascendant or a descendant.

105. Under the Constitution, members of society can freely engage in economic, trade and industrial activities. Article 24 states: "The national economy is founded on social justice and genuine cooperation between public and private enterprise." The Trade Act and the Companies Act recognize that this right may be exercised according to the procedures set out therein.

106. The State has concluded a number of bilateral agreements on economic and trade cooperation, investment protection and the avoidance of dual taxation and is a member of the World Trade Organization, the World Bank and the International Monetary Fund.

**Paragraph (d) (vi)**

107. With regard to the right to inherit, which the Convention classifies as a civil right, Federal Act No. 28/2005, concerning personal status, contains detailed provisions on inheritance under the sharia rules by Muslims in the State. These provisions are binding, constituting as they do ordinary law norms from which no derogation is permitted.

108. Article 274 states: "A bequest is any property and legal title that a deceased person bequeathed." Article 276 provides: "The claimant must submit a request to the competent court for certification of the death and the inheritance, together with an attestation indicating the date of the death, the last address of the deceased, the names and addresses of the heirs and their testamentary tutors and all the moveable and immovable property included in the bequest." The registry of the court will summon the heirs and testamentary tutors to appear before the court on

the date that it decides. The court will examine the testimony of trustworthy persons and may order whatever additional administrative inquiries it deems necessary. The probate certification shall be taken as legal proof, unless a judgement to the contrary is issued or the competent court rules that it is invalid. The court shall issue a document listing the names of the heirs and the share of the bequest due to each of them.

109. Foreigners who are not Muslims are subject to the rules of international inheritance law on inheritance disputes.

**Paragraph (d) (vii)**

110. In keeping with the constitutional provisions which prohibit discrimination on grounds of belief or religion, article 312 of the Federal Criminal Code provides:

“A penalty of imprisonment and/or a fine shall be imposed on any person who:

- (a) Desecrates a sacred Islamic object or denigrates an Islamic rite;
- (b) Insults a recognized revealed religion.

111. The State allows all residents who are followers of a revealed religion to practise their religious observances and to worship in approved places of worship.”

**Paragraph (d) (viii)**

112. The Federal Printing and Publications Act No. 15 of 1980 regulates and guarantees press freedom. The Act places restrictions on the exercise of the Minister’s administrative powers in order to prevent any violation of the right to freedom of expression as guaranteed under the Constitution. The Act also recognizes the right of the press to publish material at its discretion.

**Paragraph (d) (ix)**

113. Article 2 of Federal Act No. 2/2008, concerning civil public welfare associations and institutions, provides: “A public welfare association is any group of individuals or bodies corporate established for a definite or an indefinite period of time for the purpose of carrying out social, religious, cultural, scientific, educational, vocational, women’s, creative or artistic activities, providing humanitarian services, performing charitable work or expressing solidarity through the provision of material or moral support for technical expertise. The sole purpose of all its activities must be to serve the public good without receiving any material reward. Membership must be open to everyone under the terms of the present Act. The decisive factor in defining the object of an association is the main purpose for which it was established.”

114. A total of 112 civic and vocational associations, which carry out their activities in full freedom, have been established under the Act.

**Paragraph (e) (i)**

115. With regard to the right to work and to remain in employment, the Federal Labour Code No. 8 of 1980 makes no distinction between individuals on grounds of race, sex, social class or belief. Everyone is equal before the law, save with respect to the specific requirements of a job and compliance with labour standards.

*Equality in employment*

116. The Code provides a general and an abstract definition of a worker as follows: "A worker is any male or female who works for an employer in exchange for a wage of any kind." This definition guarantees equality among workers, regardless of their nationality, religion, political beliefs or any other distinguishing feature.

*Protection of wages*

117. The Code regulates and guarantees payment of wages. Pay is a central component of an employment contract and a contract is not valid unless it defines the amount of pay to be given. The legislation guarantees workers the right to dispose of their wages freely. A worker may not be obliged to purchase food or goods produced by his employer from a particular shop. The Code states that wages must be paid on a working day, in the workplace and in convertible national currency. In 2007 the Ministry of Labour signed an agreement with the Infospan Inc. company providing for the issuance of wage slips to workers residing in the United Arab Emirates.

118. The Minister for Labour and Social Affairs issued Decision No. 156 of 2003, concerning protection of wages, article 1 of which states that workers entitled to an annual or monthly salary must be paid at least once a month. Article 2 states that, without prejudice to article 1, all workers must be paid their wages at least every two weeks.

119. On 14 May 2003, the Minister of State for Labour issued administrative circular No. 11 of 2003 on the procedures for implementing ministerial Decision No. 156 of 2003, concerning the protection of wages. The Enterprise Affairs Unit was designated as the competent body in the Labour Department for implementation. In principle, the Decision applies solely to the following:

(a) All enterprises in the construction and building sector (contracting and public maintenance), the cleaning and transport sector and the clothing industry which, according to the information in the Ministry's computer database, have 200 or more employees;

(b) All enterprises against which repeated complaints have been brought for non-payment of their employees' wages, on condition that the Decision is applied upon the recommendation of the Director of the Department of Inspections, the Director of the Labour Relations Department or directors of labour offices and the reasons for applying the Ministerial Decision are explained.

120. The Minister of State for Labour subsequently issued administrative circular No. 4 of 2004 on 7 March 2004, stating: “All enterprises which undertake contracting and maintenance work and employ more than 50 persons must submit salary payment tables for their employees.”

*Working hours and leave*

121. The Code defines working hours in accordance with international labour standards. A working day must be not longer than eight hours, interspersed with rest breaks to allow workers to eat and pray. Such breaks must not exceed one hour, and Friday must be as a paid weekly day of rest for all workers. The Code defines four different types of leave: official leave, annual leave, sick leave and leave in order to undertake the *hajj* (pilgrimage to Mecca).

*Workers’ safety, health and social welfare*

122. The Code specifies that the employer must provide safety equipment to protect workers from industrial injuries, diseases and the risks associated with the operation of equipment and use of other work tools. The employer must comply with all the safety standards specified by the competent government authority, while employees must use safety equipment and protective clothing and carry out the employer’s instructions on safety procedures and the work environment. The Code contains full details on the protection of workers, including fire prevention, workplace hygiene, ventilation, lighting, safe drinking water, toilets, regular medical tests for employees and the provision of medical care as required by the competent government authorities.

*Compensation for industrial injuries and diseases*

123. The Code spells out the procedures to be followed in the event of an industrial injury or disease, stipulating that the employer must provide for the treatment of the employee concerned.

*Settlement of individual and collective labour disputes*

124. 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 to consider the case. The labour department will endeavour to settle the dispute amicably within a period of two weeks. If no settlement is reached, the labour department must refer the dispute to the courts and submit an accompanying memorandum containing a brief description of the dispute and of the magnitude of the losses of the two parties, together with its own comments. The court must set a date for a hearing within three days of the date on which the request is received. In this way, the dispute will continue to be heard by the courts in accordance with legal procedure.

125. The mechanism for settling collective labour disputes consists of four phases:

- (a) Amicable settlement through negotiations between the two sides;
- (b) Mediation at the request of the competent labour department;
- (c) Arbitration through arbitration boards including representatives of the employer and the employees concerned, in addition to a representative of the labour department;

(d) Mediation through the Higher Mediation Board for the Resolution of Collective Labour Disputes.

126. The executive branch oversees the implementation of the Labour Code through on-site labour inspections, during which employers and employees are provided with technical information and guidance on how to implement the Code.

*Ratification of the fundamental International Labour Organization Conventions concerning human rights*

127. The State has ratified nine fundamental International Labour Organization (ILO) Conventions with a view to ensuring that it keeps pace with progressive labour legislation in the contemporary world on such matters as: equality of treatment and opportunity; the rejection of any form of discrimination or distinction based on sex, status, religion and belief; respect for the human right to work without any coercion; and respect for the rights of the child. The ILO conventions concerned are:

- The Employment Service Convention, 1948 (No. 89)
- The Hours of Work (Industry) Convention, 1919 (No. 1)
- The Forced Labour Convention, 1930 (No. 29)
- The Labour Inspection Convention, 1947 (No. 81)
- The Equal Remuneration Convention, 1951 (No. 100)
- The Abolition of Forced Labour Convention, 1957 (No. 106)
- The Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- The Minimum Age Convention, 1973 (No. 138)
- The Worst Forms of Child Labour Convention, 1999 (No. 182)

The State has also signed two Arab Labour Organization Conventions:

- Convention No. 18 of 1996 concerning the employment of Minors
- Convention No. 19 of 1998 concerning Labour Inspection

128. The State has furthermore signed several bilateral memorandums of understanding on manpower with fraternal and friendly States such as India, Pakistan, China, the Philippines, Sri Lanka and Indonesia in order to protect workers' rights, regulate the process for workers' entry into the State and familiarize these persons with their rights and obligations under their employment contract.

*Human resources development*

129. In the framework of its efforts to diversify the economy and achieve sustainable development, the State has implemented a number of programmes and plans to modernize the labour market. In that connection, the national Human Resources Development and Employment Authority was established in November 1999 pursuant to Federal Act No. 27 of 1999 and went into operation in November 2000. The Authority carries out its work through an organizational structure which was approved by the Cabinet and consists of three specialized centres, two ancillary departments and branch offices in the Emirates of the State.

130. The Authority pursues four strategic objectives under the Act by which it was established: full employment of national human resources; reducing the proportion of foreign workers in the overall workforce; increasing the supply of qualified national human resources capable of meeting the requirements of the labour market; and developing and improving the practical skills and capacities of the national workforce.

131. Since it was established, the Authority has achieved a great deal in its fields of expertise, building platforms for communication with end-users of its services, i.e. nationals looking for work, providing advice, running training and skills development programmes and establishing good relations with employers looking for skilled national staff. The Authority has also created links with educational and training institutions at different levels.

*Legislation on domestic service*

132. In conformity with the Government's directives on the protection of workers' rights, the Ministry of the Interior announced the introduction of a standard employment contract for domestic workers and persons of similar status, which entered into effect in the Federation on 1 April 2007.

133. The standard employment contract regulates the work of persons in these categories based on the nature of the work and tasks undertaken, granting these workers the right to adequate rest breaks and medical treatment and care in accordance with the health regulations in force in the State. Wages are set by agreement between the two parties. Paragraph 1 of the contract must indicate the full amount of the wage to be paid at the end of each month. The two sides must sign the wage table, drawn up in both Arabic and English, showing that payment has been made and received. The sponsor must keep the table on file in order to be able to produce it when necessary.

134. The employment contract states that the sponsor may not employ a person in work that is dangerous or incompatible with the maintenance of public order, nor may the sponsor oblige the person to work for another, as stipulated in the conditions specified in the Act on Entry and Residence of Aliens and its implementing regulation. The sponsor must provide the employee with assistance to remit his salary in accordance with the State's banking regulations, and must enable him to communicate with his family members, to send and receive letters and ensure respect for their confidential nature. In the event that a worker dies during service, the sponsor must defray the full cost of repatriation of the mortal remains and personal effects of the deceased as promptly as possible and must remit the person's outstanding entitlements to the relevant authority. The employment contract is valid for two years from the date of effective

commencement of employment and may be extended by agreement between the two parties. If the first party (the sponsor) wishes to terminate the contract before the expiry date, he must provide the second party (the employee) with a ticket to return to his home country and pay him a month's salary as compensation. Under the contract, the sponsor must provide the employee with suitable living quarters and treat him in a manner which ensures his dignity and physical well-being.

**Paragraph (e) (iii)**

135. The United Arab Emirates, in the framework of housing policy schemes and plans, has endeavoured to provide citizens with access to modern housing which meets their housing needs and is suited to their local environment. The architectural design must be such as to ensure them a decent life and social stability. Several federal and local bodies, including the Ministry of Public Works, the Sheikh Zayed Housing Programme, the Mohammed bin Rashid Housing Programme, the Sharjah Housing Committee and municipal departments of housing in the State have intensified their efforts to create tens of thousands of homes and modern cities throughout the State, complete with a comprehensive network of services.

136. As the State is determined that employers must comply with the law, the Ministry of Labour decided not to issue collective work permits (25 workers or more), unless the employer demonstrates a tangible commitment to providing workers with suitable accommodation. Enterprises must submit evidence that they have concrete plans and the resources to provide appropriate facilities. In 2007, a total of 12 companies failed to convince the Ministry that they had the capacity to provide their workers with suitable housing and their applications for collective work permits were therefore rejected.

137. In 2007, some 60 companies in the Dubai construction industry took steps to improve workers' housing conditions; this was out of a total of 100 companies to which warnings were issued in 2006. Thirty warnings were issued to other enterprises in 2007.

138. The Department of Civil Defence has announced that it will reject applications for permits and renewal of permits from all enterprises which are unable to obtain safety certificates for all workers' housing. The Government of Dubai has also announced that it is prohibited to house workers on industrial sites and in workshops and warehouses.

139. In March 2007, the Government of Sharjah issued a decision on providing proper living quarters. Every person must be given adequate space, and accommodation must include a washing area, a kitchen and an eating area. Enterprises which breach the regulations face huge fines - up to Dh 50,000 - which will be doubled in the event of a repeat offence.

140. In October 2007, the Rihan Investment Company, which is a private company, responded to the Government's campaign to provide appropriate accommodation for workers with a project for the construction of a large workers' housing complex in Abu Dhabi to accommodate up to 32,000 workers, technicians and supervisors. The project envisages the construction of six complexes around a main building, offering a range of leisure facilities, including a modern commercial hypermarket, banks, medical clinics, travel agencies, a post office, a security services unit, a mosque, dining and games halls, laundries, gardens and public courtyards. The project is expected to be completed by the middle of 2008.

**Paragraph (e) (iv)**

141. Everyone has the right to health care and to easy access to methods to prevent, treat, and protect against, infectious diseases. This right is recognized in the Constitution of the State, article 19 of which stipulates: "Society provides citizens health care and the means to prevent and treat infectious diseases, and encourages the construction of hospitals, clinics and public and private sanatoriums." A number of laws recognizing the right to health security and health care have been enacted, such as Federal Act No. 6 of 1975, regulating the registration of births, Federal Act No. 7 of 1975, concerning the medical profession, and Act No. 27 of 1981, concerning the prevention of infectious diseases. Hospitals and health centres are found in many different parts of the State and deliver treatment and health services free of charge to all citizens and residents of the State. The State encourages private sector participation in health services delivery, and a number of hospitals and clinics providing services for everyone in different areas of specialization have been established.

142. Pursuant to Cabinet Decision No. 1 of 1980, as amended, concerning treatment abroad, the State bears the costs of treatment in medical centres abroad which is not available in the State. The State has set up health sections in different countries to provide follow-up for patients and assistance them with treatment.

143. The State endeavours to provide high-quality services and to comply with international best practices in the delivery of treatment and preventive health services. It has taken steps to consolidate relations with the World Health Organization and specialized scientific and medical institutions in various parts of the world, establishing mechanisms for exchanges of medical and research expertise with a view to developing health services to the highest international standards. In 2007, the State had 40 hospitals in total, over 115 primary health centres, 14 Ministry of Health hospitals, 67 medical centres, 11 school health centres, 10 maternal and child health centres, 110 units for mothers and children in primary care centres, dozens of large hospitals and thousands of private clinics.

144. Article 13 of Federal Act No. 7 of 1984, concerning health services costs and fees for medical certificates and reports, deals with the subject of State provision of free public health services for all nationals and residents, including basic preventive health services for mothers and children. These services include:

- Premarital screening
- Breastfeeding support and promotion
- Monitoring the growth and development of under-fives
- Prevention of hereditary diseases
- National screening programme for early detection of diseases in newborns
- National screening programme for early detection of breast cancer



145. These services are offered through specialized maternal and paediatrics' units in primary health care centres in all health districts. All preventive health services offered to children of preschool and school age are free of charge for both nationals and migrants. Private schools must provide access to health professionals and offer this service to their students. Vaccinations are free of charge, as are some health education materials. Free training for these schools is provided by the State's school health departments. The school health programme includes the following:

- (a) Preventive health and treatment services;
- (b) Health education for schoolchildren;
- (c) Monitoring the school environment;
- (d) Improving the health of school staff;
- (e) School meals and monitoring the school canteen;
- (f) Physical education;
- (g) Psychological and counselling services.

146. The programme offers preventive health and treatment services to all students at government schools. Private schools are required to engage a nurse and a doctor to provide these services. These persons take part in training courses in which they learn about techniques and methods for delivering the services included in the programme. Schools provide free health and nutritional education and support for efforts to combat infectious diseases.

*Programme for the prevention and treatment of infectious and non-infectious diseases*

147. A number of preventive programmes for all are implemented at State level, and free drugs are dispensed by preventive health units for the treatment of infectious diseases that pose a threat to public health. These include:

- The National Expanded Vaccination Programme, which provides free vaccination for all children from birth until they leave school.
- The Infant Poliomyelitis Eradication Programme.
- The Measles and German Measles Elimination Programme.
- The Anti-Malaria Programme.
- The Anti-Tuberculosis Programme.
- The Anti-AIDS Programme.
- The Anti-Cancer Programme.
- The Programme against Infectious Diseases.

- Emergency and first aid services.
- Health education is provided to different social groups through the audio-visual media. These services are on offer in health and educational facilities and in the workplace, and are also provided by public welfare associations such as the Women's Federation, boy scouts and girl guides' associations, charities, etc.

148. All migrants and nationals are entitled to health services. Health services are offered in government medical facilities, either via the health card scheme in force in the northern Emirates or under a health insurance scheme such as the one in effect in Abu Dhabi pursuant to Act No. 23 of 2005. Under the Act, health insurance is compulsory for all public and private sector employees in Abu Dhabi.

149. The Ministry of Health has adopted a strategic plan for 2008-2010, under the slogan "Excellence ... empowerment ... integration", comprising the following goals:

- Strengthening the Ministry's lawmaking role in coordination with relevant institutions
- Following international best practices in health-care provision
- Building and developing technical and administrative capacities
- Strengthening the role of the Ministry of Health in various areas of preventive medicine
- Ensuring access to comprehensive health-care services for all inhabitants of the Emirates
- Raising health awareness in society and reducing morbidity rates
- Developing health administration and financing systems

The Ministry undertook the following initiatives in implement the plan:

- Establishment of a strategic planning department
- Design of a self-administration system for hospitals
- Creation of a system to increase the assets of the National Fund for the Financing of Health Services
- Implementation of a health insurance system
- Establishment of a system to promote investment in the private health sector
- Commencement, by the Emirates Health Authority, of its duties and functions

- Implementation of a modern system for maintaining medical records and a system for licensing and importing drugs in line with international best practices
- Creation of a database for health information and scientific evidence

#### **Article 6: General framework for judicial practices**

150. The right to bring legal proceedings and to seek a legal remedy is guaranteed to everyone under article 41 of the Constitution, which states: “Everyone has the right to lodge complaints to the competent authorities, including the judicial authorities, concerning any infringement of the rights and freedoms recognized in the present chapter.” Article 94 of the Constitution states: “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 Code of Civil Procedures, the Criminal Code, the Code of Civil Transactions and the Judicial Authority Act specify the procedures for seeking a legal remedy. There is nothing in these laws which discriminates between nationals and residents with respect to the procedures or treatment of parties before the courts or the enforcement of judgements. Hence, everyone is equal before the courts.

151. The Emirates Human Rights Association was established under Federal Act No. 6 of 1974, as amended, concerning public welfare associations, with the approval of the Ministry of Social Affairs as issued on 5 February 2006. In accordance with its statutes, the Association follows up on complaints and grievances concerning racial discrimination and works with governmental and local authorities to follow up on and resolve cases and complaints.

#### **Article 7: Countering prejudice and improving mutual understanding and tolerance**

152. With regard to improving levels of education and encouraging the pursuit of learning, the Constitution affirms the right to education in article 17, which states: “Education is a basic component of social progress in the Federation, and is compulsory at the primary stage and free of charge at all stages.”

153. The State has established primary, intermediate and secondary schools, as well as universities and vocational colleges in order to offer the highest standards of State education and eradicate illiteracy. Since the founding of the State in 1971, the Ministry of Education has taken two different approaches to illiteracy. The first focuses on education of the rising generation, while the second focuses on adult education. In addition to day school, the State has opened the doors of education to those who missed the education boat, by establishing evening study centres for the employed.

154. The number of schoolchildren rose from 52,751 in 1975 to 658,814 in 2005/06, and the number of government and private schools in 2007 stood at 1,259. In addition, there are dozens of State and private universities with a total of some 69,578 students in 2004/05. The ratio of female to male students at these institutions was 186.3 per cent, while the number of graduates for the same year was 13,973.

155. The Ministry of Education and the Ministry of Higher Education have taken steps to build up their learning curricula by including a number of subjects relating to human rights, children's rights, women's rights, and combating racial discrimination, including the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, and disseminating the values of religious and racial tolerance among all students. The educational atmosphere in schools and universities and the involvement of all citizens and residents in education have created a cohesive and harmonious relationship between different groups which in turn have laid the foundations for tolerance and non-discrimination between social groups.

156. The State provides its nationals with opportunities to pursue higher education and to continue their studies abroad with funding from the State. The State has established several educational and cultural sections in various parts of the world to follow up on the education of its students abroad.

157. A number of federal laws have been enacted, such as Federal Act No. 11 of 1972, concerning compulsory education, Federal Act No. 10 of 1972, concerning educational missions, as amended by Federal Act No. 2 of 1977, Act No. 9 of 1972, concerning private schools, Federal Act No. 4 of 1976, concerning the establishment and regulation of the University of the United Arab Emirates, as amended by Act No. 4 of 1978, Federal Decree No. 42 of 1974, concerning the establishment of nursery schools, and the Act establishing Zayed University.

158. The Constitution involves all members of society in delivering the right to education by allowing, in article 18, for the establishment of private schools and universities, as follows: "Individuals and institutions may establish private schools in accordance with the law, subject to monitoring by the competent public authorities and compliance with their guidelines." Hence, private schools and universities with international curricula have proliferated. They provide services to different sectors of society in an atmosphere of freedom and inter-racial tolerance which is guaranteed by the State.

159. The State is bound by a number of bilateral treaties with fraternal and friendly States on education and culture, and has joined various international organizations specializing in education, such as the United Nations Educational, Scientific and Cultural Organizations. (UNESCO).

160. Each year, the State organizes special events to mark the occasion of International Women's Day, Universal Children's Day and International Workers' Day. Commemorative mascots are handed out, the audio-visual and print media cover these events and reports are issued on the State's accomplishments in all areas, including the promotion of human rights in society.

161. The Ministry of Education, based on the objectives of its strategy for 2007-2012, seeks to achieve a number of objectives in furtherance of the education process, including the following:

Strategic objective 1: Restructure the Ministry of Education as an effective and proactive educational institution which employs highly-skilled national experts and staff, pursues decentralized decision-making policies and practices, clearly defines the relationship with educational authorities, education boards and education districts and ensures that schools are the foundation of the educational development process.

Strategic objective 2: Design modern curricula and assessment methods and tools that meet international academic standards, in order to contribute to the creation of an educational environment in which students are the central focus of the education process.

Strategic objective 3: Establish a modern technology infrastructure for all stages of education, and use it in the education process, while allowing schools to use it to manage and carry out their activities.

Strategic objective 4: Develop human resources policies and systems in order to help improve and develop the qualitative performance of public education institutions and of education managers, teachers and other employees in the sector.

Strategic objective 5: Develop and improve school buildings and facilities and supply them with equipment and resources that meet modern educational standards in order to enable schools to design and deliver curricula and planned activities.

Strategic objective 6: Improve vocational development schemes and programmes for all education sector employees (managers, teachers, technicians) in order to achieve the Ministry's goals.

Strategic objective 7: Develop systems for involving parents in monitoring their children's academic performance and for providing stakeholders in society with full information about the performance of the education system.

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