

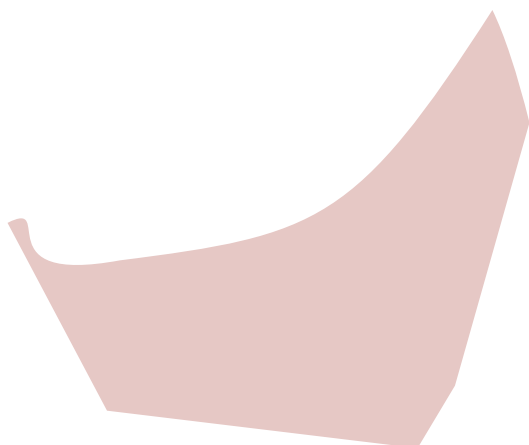


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RECEIVING COUNTRIES

United Arab Emirates



A. COUNTRY CONTEXT

The United Arab Emirates (UAE) is a country in the Middle East, bordered by Oman, Saudi Arabia, the Persian Gulf and the Gulf of Oman. Only 19 per cent of the UAE's 5.3 million people are Emirati. Citizens from other Arab nations and Iran make up another 20 per cent, while South Asians comprise 50 per cent of the population. Islam is the official religion.¹ UAE is a high-income country² with very high human development.³ Gross national income was placed at 40,040 US dollars per capita in 2011.⁴

The UAE is the world's third-largest exporter of oil,⁵ and for the past three decades, oil and finance have been the main drivers of the economy. However, due to falling oil prices, the government has made efforts to diversify, and today oil and gas revenues make up only 25 per cent of the country's gross domestic product (GDP), with tourism, real estate and manufacturing playing a larger role.⁶

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- 1 US Central Intelligence Agency, *The World Factbook 2012 – UAE*, (2012). Available from: <https://www.cia.gov/library/publications/the-world-factbook/geos/id.html>
 - 2 Available from: <http://data.worldbank.org/country/united-arab-emirates>
 - 3 Available from: <http://hdrstats.undp.org/en/countries/profiles/AE.html>
 - 4 Available from: <http://data.worldbank.org/country/united-arab-emirates>
 - 5 Available from: www.uae-embassy.org/uae/energy

Human Development Index (2011)	Rank , Very High Human Development ⁷
Stock of Immigrants 2011	4,293,300 ⁸
Net Migration Rate (per 1 000 population) 2005-2010	106.3 ⁹
Immigrants as share of population (2012)	80% ¹⁰

UAE is primarily a receiving country for migrant labour, and in the past several decades, a massive influx of foreign workers and professionals has fundamentally changed the face of society. Almost all of the unskilled construction workers and domestic help are foreigners.¹¹

The large proportion of foreign workers in the UAE has caused some resentment among the native population, and as a result the Government has developed a national strategy to “Emiratize” the workforce and reduce the share of expatriate workers.¹² The Kafala system is another way of regulating the employment and residency of immigrant workers. Under the Kafala system, foreign workers’ visa and legal status are tied to their sponsor or employer, who must take full economic and legal responsibility for the worker. The system is controversial because it renders employees completely dependent on their sponsor and has led to abuse and exploitation by employers. In recognition of this, in 2011 the government enacted changes to the labour code to eliminate the requirement that foreign workers receive permission from their employer before changing jobs. While this was a welcome move, the new policy does not apply to day labourers, construction workers or domestic workers, a significant proportion of the migrant worker population.

Other reforms to improve the conditions of migrant workers have included initiatives to curb high recruitment costs for employees, and control systems to ensure salaries are not withheld by employers. Additionally, the Government showed flexibility during the recent global financial crisis, by allowing foreign workers who lost their jobs to change employers without having to return to their country of origin, and allowing them three months to search for new employment.¹³

B. KEY GENDER AND HUMAN RIGHTS ISSUES

The UAE has ratified or acceded to four of the nine core international human rights treaties, specifically: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC); the Convention to Eliminate All

6 US Central Intelligence Agency, *The World Factbook 2012*.

7 Available from: <http://hdrstats.undp.org/en/countries/profiles/ARE.html>

8 US Central Intelligence Agency, *The World Factbook 2012*.

9 Rakhee Timothy and SK Sasikumar, *Migration of Women Workers from South Asia to the Gulf*, UN Women South Asia and the VV Giri National Labour Institute (New Delhi, 2012), p. 106. Available from: www.unwomensouthasia.org/2012/migration-of-women-workers-from-south-asia-to-the-gulf/

10 University of California at Davis, “GCC: Migrants”, in *Migration News*, vol. 19 No. 2, April 2012. Available from: http://migration.ucdavis.edu/mn/comments.php?id=3759_0_3_0

11 Rakhee Timothy and SK Sasikumar, *Migration of Women Workers from South Asia to the Gulf*, p. 107.

12 *Ibid*, p. 108.

13 Steinmeyer, Vanessa, *oral comments at Experts’ Group Meeting*, UNESCAP (Bangkok, 18 October 2011).

Forms of Racial Discrimination (CERD); and the Convention on the Rights of Persons with Disabilities (CRPD). Notably the UAE is one of only 18 countries that has not ratified the International Convention on Civil and Political Rights (ICCPR).¹⁴ The CEDAW Committee has encouraged the Government to ratify the remaining human rights treaties to which is not yet a party, noting that adherence to all of the treaties “enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life”.¹⁵

Currently there is no National Human Rights Institution (NHRI) in the UAE, and thus no comprehensive complaints mechanism for women, including women migrant workers, who have experienced violations of their human rights.¹⁶ However, during the Universal Periodic Review, the government stated that it was considering establishment of an NHRI in accordance with the Paris Principles.¹⁷ To that end, in 2011, the UN Office of the High Commissioner for Human Rights (OHCHR) provided the UAE with assistance for activities aimed at establishing an NHRI, including legal advice for draft legislation.¹⁸

There is no universal indicator of the status of women’s rights in the UAE as women there have different rights based on citizenship status, nationality, religion and occupation. For example, many professional Emirati women, and those who belong to the ruling class, are able to enjoy full social benefits, including free housing, health care and education, and are allowed more liberal social conventions, such as living alone. However prevailing social and cultural norms prohibit most single women from living on their own. Migrant women on the other hand, particularly those working in the informal sectors, have fewer benefits and even fewer rights, including employment protections.

Despite this social stratification, the UAE has made some progress in the promotion and protection of women’s human rights. In 2007, the United Nations Development Programme (UNDP) reported several positive outcomes of the UAE’s policies on gender, particularly in the areas of women’s empowerment and education, noting that the “state legislations in the UAE do not discriminate on the basis of gender with respect to education, employment or the quality of services provided.”¹⁹ The Government has committed to maintain this momentum and recently stated that it “intends to establish a new benchmark for gender empowerment in the region.”²⁰ To date, achievements include: a 90-per-cent literacy rate for women; 77 per cent of women have enrolled in higher education; women have begun training as muftis, or Sunni Muslim scholars to qualify as interpreters of Islamic law; women are now part of the Security Forces and have trained to be fighter pilots; and several cabinet ministers are women.²¹ In the UNDP’s Gender-Related Development Index for 2009, the UAE ranked 35th among 182 countries, and 25th place in the world for gender empowerment.²²

14 Available from: www.echr.org.uk/?page_id=345

15 CEDAW Committee, *Concluding Observations of the Committee on the Elimination of Discrimination against Women – United Arab Emirates* (CEDAW/C/ARE/CO/1) (Forty-fifth session, 2010), para. 52. Available from: www2.ohchr.org/english/bodies/cedaw/

16 *Ibid.*, para. 20

17 *Ibid.*

18 Office of the High Commissioner for Human Rights, *Annual Report of OHCHR and the Secretary General on National Institutions for the Promotion and Protection of Human Rights* (Geneva, 1 May 2012), paras. 9 and 40.

19 Office of the High Commissioner for Human Rights, *Women in the United Arab Emirates: A Portrait of Progress* (Geneva, n.d.). Available from: http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/AE/UPR_UAE_ANNEX3_E.pdf

20 Available from: www.uae-embassy.org/uae/women-in-the-uae

21 Permanent Mission to the of the UAE to the United Nations. Available from: www.un.int/wcm/content/site/uae/cache/offonce/home/pid/19817

22 *Ibid.*

Although these are welcome developments, legal, economic and cultural discrimination against women, both citizens and non-citizens remains widespread. Domestic abuse, including spousal abuse, is common. Women do not have the same rights regarding marriage or inheritance. Those who work in the private sector often do not receive equal benefits, and many women face discrimination in promotions and wage levels.²³ With respect to women migrant workers, many suffer from violations of their human rights, particularly those working in domestic settings. In 2009 the Indonesian embassy in Abu Dhabi registered a 24-per cent increase in domestic worker exploitation incidents compared to 2008,²⁴ and in October 2010, makeshift shelters in Abu Dhabi and Dubai housed more than 300 runaway Philippine domestic workers, many of whom alleged abuse against their employers.²⁵ Complaints from women migrant workers include being charged exorbitant recruitment fees, unpaid wages, food deprivation, long working hours, forced confinement, and physical or sexual abuse.²⁶

Some private-sector companies have taken steps to ensure protection of migrant workers' human rights. For example, the New York University (NYU) and the US-based Guggenheim Art Museum have committed to ensuring that migrant workers employed on their construction projects in Abu Dhabi receive regular payment of wages, rest breaks and days off, employer-paid medical insurance, reimbursement for recruitment fees, and ensure that they are able to keep their own passports. Additionally, both organizations have hired independent firms to monitor work conditions on the projects and report publicly on violations of workers' rights.²⁷

C. KEY STAKEHOLDERS

The Ministry of Labour (MOL) is charged with enforcing all labour law regulations. Specifically, the MOL is responsible for approving all private sector labour contracts, issuing/cancelling work permits (or labour cards), imposing labour bans when necessary, and mediating employment disputes.

The Ministry of Foreign Affairs is charged with implementing the Government's strategy to combat human trafficking – which consists of four pillars: legislation; enforcement; victim support; and international cooperation, including bilateral agreements.²⁸

The General Women's Union (GWU) has branches in the various emirates and aims to develop frameworks for women's action in the UAE, and improve the status of women through religious activities, cultural events, health education, social programmes, domestic violence shelters and collaboration with federal ministries.²⁹

23 US State Department, *Human Rights Report 2011 – United Arab Emirates* (2011), pp. 18-20. Available from: www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper

24 Migrant Rights, *Increase in Registered Cases of Abuse of Indonesian Maids in Abu Dhabi*, (2010). Available from: www.migrant-rights.org/2010/04/02/increase-in-registered-cases-of-abuse-of-indonesian-maids-in-abu-dhabi/

25 Human Rights Watch, *World Report 2011 – United Arab Emirates* (New York, 2011). Available from: www.hrw.org/world-report-2011/united-arab-emirates

26 US State Department, *Human Rights Report 2011*, section 7.

27 Human Rights Watch, *World Report 2012 – United Arab Emirates* (New York, 2012). Available from: www.hrw.org/world-report-2012/united-arab-emirates

28 United Arab Emirates, Ministry of Foreign Affairs, *Human Trafficking* (webpage, n.d.). Available from: www.mofa.gov.ae/mofa_english/portal/5b8a314e-750b-4f70-b75c-b3a71687b828.aspx

29 General Women's Union (webpage, n.d.). Available from: www.gwu.ae/About.aspx?Lang=AR&SectionID=8&RefID=62

Dubai Foundation for Women and Children (DFWAC) and Ewaa in Abu Dhabi are non-profit organizations that operate hotlines and emergency shelters which offer women and children victims of domestic violence, child abuse, and human trafficking immediate protection and support. Both organizations provide medical treatment, psychological care and counselling, access to legal services, temporary housing, basic education and training, and safe transport back home for victims, when required.³⁰

The Emirates Centre for Human Rights is a non-governmental organization, whose aim is to promote human rights and highlight abuses where they take place in the UAE. The Emirates Centre publishes regular updates related to restrictions on freedoms, prison conditions, arbitrary detention, and exploitation and abuse of migrant workers.³¹

The MIGRANTE UAE is a chapter of MIGRANTE International – an international alliance of Philippine Migrant organizations. The Migrante UAE works to advance the interests of the more than 500,000 Filipinos working in the UAE, specifically by promoting their rights and welfare, and serving as an intermediary during disputes.³²

D. RATIFICATION RECORD

The following table illustrates the UAE's ratification status of international treaties related to women migrant workers.

TREATIES	RATIFICATIONS
MWC	-
CEDAW	6 October 2004 a
ICCPR	-
ICESCR	-
ICERD	20 June 1974 a
ILO C29 Forced or Compulsory Labour	27 May 1982
ILO C87 Freedom of Association	-
ILO C97 Migration for Employment	-
ILO C98 Right to Organize and Collective Bargaining	-

30 http://www.mofa.gov.ae/mofa_english/portal/5b8a314e-750b-4f70-b75c-b3a71687b828.aspx

31 Emirates Centre for Human Rights (webpage). Available from: www.echr.org.uk/

32 Available from: www.migranteuae.org/3/index.php?option=com_content&view=article&id=45&Itemid=49

ILO C100 Equal Remuneration	24 February 1997
ILO C105 Abolition of Forced Labour	24 February 1997
ILO C111 Discrimination in Employment	28 June 2001
ILO C138 Minimum Age for Admission to Employment	2 October 1998
ILO C143 Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers	-
ILO C181 Private Employment Agencies	-
ILO C182 Prohibition of the Worst Forms of Child Labour	28 June 2001

E. COMPLIANCE WITH THE CEDAW

The UAE acceded to the CEDAW in 2004, but has reserved the right not to apply provisions of articles 2(f), 9, 15 (2), 16 and 29 (l). Reservations to articles 2, 15(2) and 16 stem from the UAE's belief that they conflict with Shariah law. A reservation was made to article 9 because the UAE considers the acquisition of nationality an internal matter which is governed by national legislation.³³

The CEDAW Committee has stated that these reservations impact negatively on the enjoyment by women of their rights. In particular reservations to articles 2 and 16 are inconsistent with the object and purpose of the CEDAW and should be withdrawn.³⁴

DISCRIMINATION

In 2010, the CEDAW Committee noted its concern that, while "article 25 of the Constitution provides for equality before the law regardless of race, nationality, religious belief or social status, ... the Constitution and other domestic legislation do not embody the principle of equality between women and men nor do they contain a definition of discrimination against women in accordance with article 1 of the Convention."³⁵ As a result the Committee called upon the UAE to "fully incorporate into the Constitution or other appropriate domestic legislation the principle of equality between women and men in accordance with article 2 (a) of the Convention, as well as a definition of discrimination on the basis of sex in line with article 1 of the Convention, and extend State responsibility for acts of discrimination by public and private actors in accordance with article 2 (e) of the Convention, with a view to achieving formal and substantive equality between women and men."³⁶

³³ Available from: www.un.org/womenwatch/daw/cedaw/reservations-country.htm

³⁴ CEDAW Committee, *Concluding Observations*, paras. 16-17.

³⁵ *Ibid*, para. 14.

³⁶ *Ibid*, para. 15.

In the UAE, Islamic law governs matters related to family and personal status for Muslims. Several of these laws, particularly those related to divorce, inheritance, and child custody, grant men privileged status and discriminate against women. For example, Emirati men, but not women, are allowed to have as many as four polygamous marriages; Muslim women are forbidden to marry non-Muslims; Emirati men married to non-citizens automatically pass citizenship onto their children but Emirati women married to foreign spouses face additional hurdles in this regard; and foreign men working in the country can obtain residence permits for their families for three years, while foreign women can only obtain permits for a renewable one-year period. Women may only ask for a divorce in exceptional circumstances and can only inherit one-third of assets while men are entitled to inherit two-thirds.³⁷ With respect to rape and domestic violence, the Sharia courts require a very high burden of proof for rape cases, and the law does not recognize spousal rape. The penal code allows men to use physical means, including violence, at their discretion against female family members. Additionally, non-citizen women may be imprisoned and deported if they bear children out of wedlock – and even with DNA evidence, courts cannot force men to accept responsibility for fathering a child.³⁸

In addition to de jure gender discrimination, widely accepted stereotypes and cultural practices regarding the respective roles of women and men also contribute to gender inequality. The CEDAW Committee has urged the government to adopt a national strategic plan, firstly to promote the idea that men and women should equally share responsibilities related to family matters, and secondly to promote equality of status of men and women in private and public life. To that end, the Committee recommends revising school curricula, providing gender-equality training to teachers, conducting awareness-raising campaigns about gender equality, and encouraging the media to project positive images of women.³⁹

The UAE's labour law also discriminates against women by excluding domestic workers from coverage. While the law is at face value gender-neutral, it has a discriminatory impact because the vast majority of domestic workers are migrant women. This discriminatory exclusion results in migrant women being forced to work excessively long hours for extremely low wages and being subjected to mental and physical abuse. The Committee to Eliminate Racial Discrimination has commented on both the gender and racial dimensions of this exclusion, noting that such bias in the legal system, as well as in private spheres of life, subjects migrant women domestic workers to discriminatory employment conditions and leaves them with little access to remedies and complaint mechanisms.⁴⁰

POLICY MEASURES

The CEDAW Committee has recognized that, because non-nationals constitute the vast majority of the UAE's population, social integration in Government policies is a challenge. Nevertheless, the Committee urged the Government to take into account the contribution

³⁷ Human Rights Watch, *World Report 2012*.

³⁸ *Human Rights Report – United Arab Emirates*, pp. 18-19, U.S. State Department, 2012.

³⁹ CEDAW Committee, *Concluding Observations*, paras. 24-25.

⁴⁰ Convention on the Elimination of All Forms of Racial Discrimination (CERD), *General Comment XXV*, (A/55/18, ann. V) (20 March 2000). Available from: <http://www.unhcr.ch/tbs/doc.nsf/0/76a293e49a88bd23802568bd00538d83?Opendocument>

of women migrant workers to national development when enacting and implementing policies.⁴¹

The UAE has recently enacted several reforms to its labour policies that better protect the rights of foreign workers. For example, in January 2011, the Government issued new regulations to ensure that migrant workers do not have to pay any fees, either in the Emirates or the country of departure, to secure jobs in the UAE. In the event that a worker is charged a fee, the recruitment agency must reimburse the worker.⁴² This policy reform is in line with the CEDAW Committee's General Recommendation 26, which noted that women migrant workers who are heavily burdened by debt from recruitment fees may be unable to leave abusive situations, particularly if they have no other way to pay their debts.⁴³ Thus, ensuring that women migrant workers do not have to pay recruitment fees is a gender-sensitive rights-based good practice in line with CEDAW.

Additionally, Cabinet Decision No. 25 of 2010 abolished the "Sponsorship Transfer" mechanism. Thus, foreign labourers are no longer automatically banned for six months from seeking new employment if their previous employment ends prematurely. Now employees need only to cancel their existing work permit and apply for a new one, as long as they are sponsored by a new employer. Prior to these reforms, foreign workers who left their existing job within two years due to a breach of their employment terms or a dismissal were unable to seek new employment for a six-month period unless they held a no-objections certificate (NOC) to renew visas and change jobs, issued by their previous employer.⁴⁴

In addition to introducing a more flexible mechanism for transferring sponsorship from one employer to another, Cabinet Resolution No. 25 of 2010 also introduced several new types of work permits that will benefit migrant workers:

- (1) New part-time work permits allow part-time work with more than one entity, which now makes it possible for foreign workers to take up second part-time jobs as long as they have approval from the first employer.
- (2) Temporary Work Permits allow nationals and non-nationals to be employed on a specific project or in a role which is not for more than six months in duration. Ministerial Resolution 1188 of 2010 also provides that the Ministry of Labour may issue a temporary work permit to an employee who has instituted a claim in the labour courts. This permit therefore, enables employees who are involved in litigation against their former employers to continue to earn a living while claims against any former employer proceed through the courts.
- (3) Work permits are now allowed for university and college students who are sponsored by the institute in the UAE at which they are enrolled. This permit is also available to expatriate

41 CEDAW Committee, *Concluding Observations*, paras. 9-10.

42 Human Rights Watch, *UAE: Stepped-Up Harassment of Rights Defenders* (New York, 26 January 2011). Available from: www.hrw.org/news/2011/01/26/uae-stepped-harassment-rights-defenders

43 CEDAW Committee, *General recommendation No. 26 on women migrant workers*, (CEDAW/C/2009/WP.1/R) (UN Doc A/64/38 at 15, 2008) (Forty-second session, 2008), para. 15. Available from: www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf

44 United Arab Emirates, Ministry of Labour, *Employment Contracts and Durations* (webpage, n.d.). Available from: www.abudhabi.ae/egovPoolPortal_WAR/appmanager/ADeGP/Citizen?_nfpb=true&_pageLabel=p20160&lang=en&id=20180

wives sponsored by their husband, though it is not clear if expatriate husbands under their expatriate wife sponsorship can also obtain a work permit.

- (4) Worker Transfer Permits apply to non-national employees wishing to transfer from one employer to another.
- (5) Work Permits for Personnel Sponsored by their Kin apply to individuals who are sponsored for UAE residence purposes by their family, including: women below the age of 18; the husband of a UAE woman; and children of a UAE woman.⁴⁵

These policies allowing more flexibility for migrant workers are good rights-based practices as they protect workers' rights to freedom of movement and the right to choose their employment. Additionally, they give migrant workers more options and power to demand decent working conditions, as they will not automatically be deported for complaining about abuse. Indirectly, these new policies will also promote greater employer accountability. However, because domestic workers are exempt from labour laws, they will not benefit from these new policies. This is discriminatory because it leaves domestic workers, the vast majority of whom are women, without the same protections that are available to other workers.

TRAFFICKING AND FORCED LABOUR

According to the US State Department's 2012 Trafficking in Person's (TIP) Report, the UAE is a destination country for women subjected to forced labour and forced prostitution. Many women from South and South-East Asia seek work in the UAE as domestic servants, secretaries, beauticians and hotel cleaners. However, restrictive employment sponsorship laws, particularly for foreign domestic workers, give employers inordinate power to control women migrant workers' movements; threaten them with abuse of legal processes; and make them vulnerable to exploitation and forced labour.⁴⁶

In response, the Government has implemented new procedures for identifying trafficking victims, drafted a new law to protect domestic workers, and continued to implement and enforce its Wage Protection System, to ensure workers receive their wages. Additionally in April, 2012, the UN Special Rapporteur on Trafficking in Persons was invited by the Government to conduct a fact finding mission and recommend ways in which the Government can improve efforts at combating trafficking.⁴⁷

Although these are positive efforts, more must be done to address concerns raised by the CEDAW Committee, including the persistence of trafficking in women and girls into the UAE for economic and sexual exploitation; and the lack of statistical data on women being trafficked in and out of the country.⁴⁸

45 Ibid.

46 US State Department, *Trafficking in Persons Report 2012 – United Arab Emirates* (2012). Available from: www.state.gov/j/tip/rls/tiprpt/2012/

47 Ibid.

48 CEDAW Committee, *Concluding Observations*, para. 28.

PROSECUTION

The UAE has ratified the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), and in 2006, it adopted Federal Act No. 51 on the suppression of human trafficking – which sufficiently defines and penalizes trafficking.⁴⁹ Additionally, the Government established a National Committee for the Suppression of Human Trafficking, a national plan to combat trafficking, and a special court to hear human trafficking cases.⁵⁰ A recent report by the US State Department commended the Government’s law enforcement efforts and training of judicial and law enforcement officials as well as staff in the social services agency on trafficking issues. Additionally, the planned finalization of a central database for law enforcement officers working on anti-trafficking cases will help to improve prosecution efforts.⁵¹

These measures are all examples of good rights-based practices in line with article 6 of the CEDAW, which obligates States Parties to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”.

However, while anti-trafficking measures have improved, particularly to combat sex trafficking, the US Trafficking in Persons Report for 2012 notes that efforts to combat forced labour and labour trafficking are lacking. This is partly because laws that prohibit behaviour that contributes to forced labour – such as withholding passports – are not enforced. In the Universal Periodic Review conducted in 2008, the NGO Stakeholders’ Report section alleged that debt bondage and forced labour are prevalent in the UAE. The report explained that recruitment services in the sending countries lure migrants en masse, promising them jobs and salaries that may never materialize. “Having at times handed over their entire life savings, these workers do everything possible to secure what they believe are legally enforceable contracts and work visas. On arrival in the host country, they are deeply indebted and out of options. They have little choice but to work for local sponsors or employers under highly exploitative conditions that may essentially amount to forced labour or servitude.”⁵²

While the new victim identification procedures implemented in 2011 are designed to better recognize victims of forced labour or labour trafficking, better enforcement of laws to prevent migrant workers from becoming victims in the first place is needed. Failure to enforce laws prohibiting recruitment agencies and employers from subjecting migrant women to forced labour violates article 2 of the CEDAW which requires States Parties to adopt appropriate measures, including sanctions, that prohibit discrimination against women.

49 International Labour Organization, Committee of Experts on the Application of Conventions and Recommendations (CEACR), *Individual Observation concerning the Worst Forms of Child Labour Convention, 1999 – United Arab Emirates* (No. 182) (Geneva, 2010).

50 US State Department, *Trafficking in Persons Report 2012*.

51 Ibid.

52 Mafiwasta and International Federation for Human Rights (FIDH), *UAE - Universal Periodic Review, Stakeholders’ Report*, submissions by NGOs (Abu Dhabi, 2008).

PROTECTION

Designated police personnel and standard operating procedures for identifying trafficking victims means they are generally not punished for unlawful acts committed as a result of having been trafficked. Instead female victims are referred to transitional facilities or government-funded shelters in Abu Dhabi, Dubai, Ras al Khaimah, and Sharjah, which provide protection, counselling, and rehabilitation services, including medical, psychological, legal, educational, and vocational assistance.⁵³ These are good gender-sensitive practices in line with the CEDAW Committee's General Recommendation 26, which urges governments to train criminal justice officers on the rights of migrant women and ensure gender sensitive services for migrant women that need assistance, including emergency shelters.⁵⁴

PREVENTION

The Government has implemented a vigorous anti-trafficking awareness and education campaign within the country, including at airports, and in embassies of migrant sending countries. As part of this campaign, pamphlets on worker's rights and resources for assistance are distributed in source-country languages. The Government has also presented lectures on forced labour issues to tens of thousands of foreign workers in companies and institutions throughout the country.⁵⁵ These efforts, combined with a victim-assistance hotline and systems for ensuring that contracts are valid and wages are paid, are good rights-based practices. Together they decrease the chances that women will fall victim to trafficking and are in line with article 6 of the CEDAW. The CEDAW Committee has commended these efforts but "further calls upon [the UAE] to increase prevention efforts through international, regional and bilateral cooperation with countries of origin, transit and destination and involvement of non-governmental organizations to prevent trafficking through information exchange."⁵⁶

EMPLOYMENT

The Government has been under public pressure to reduce the share of foreign workers in the country, in order to reduce unemployment among UAE nationals. Thus, since 2007, it has implemented policies to curtail the influx of migrant labour, including: "(1) strict action to send back illegal and unskilled expatriates in the UAE; (2) making the recruitment of unskilled labour costly; (3) replacing foreign labour with national in the public sector undertakings; and (4) not renewing the labour cards of private sector employees above the age of 60 except for a few categories of professionals".⁵⁷ Policies that limit opportunities for foreign labourers in favour of nationals are discriminatory because they deny migrant women the right to mobility.

53 US State Department, *Trafficking in Persons Report 2012*.

54 CEDAW Committee, *General recommendation No. 26*, paras. 26(g) & (i).

55 US State Department, *Trafficking in Persons Report 2012*.

56 CEDAW Committee, *Concluding Observations*, para. 29.

57 Rakhee Thimothy and SK Sasikumar, *Migration of Women Workers from South Asia to the Gulf*, p.108.

Additionally, such policies often result in sending the labour migration process underground, which increases women's vulnerability to trafficking, violence and other human rights abuses.⁵⁸ As stated above, the CEDAW Committee has urged the UAE to take into account the contribution of women migrant workers to national development when enacting and implementing policies.⁵⁹

Despite policies designed to limit migrant labour, the majority of workers in the private sector, particularly in low-skill positions, are foreigners. The Federal Labour Law No. 8 (1980) covers all employees including migrants (with a few exceptions such as domestic workers) and governs most employment matters, including: maximum working hours; breaks; annual leave; overtime; compensation for work-related injuries and death; severance pay; and requirements for employers to pay repatriation costs on completion of contract. Additionally, the law allows a worker to abandon her work if the employer fails to honour either contractual or legal obligations to the worker.⁶⁰

Despite these protections in the law, a lack of enforcement has led to allegations of abuse and exploitation of migrant workers. In the US State Department's 2011 Human Rights Report, it found that: "foreign workers frequently did not receive their wages from employers on time, sometimes for extended periods"; "low-skilled employees continue to face substandard living conditions"; and "a number of workers have been killed or injured on job sites due to inadequate safety measures."⁶¹ The law prohibits workers from forming or joining unions and there is no right to collective bargaining, making it difficult for employees to raise work-related issues and demand better treatment. Consequently, migrant worker suicides have been linked to poor working conditions, abusive employers, heavy debts caused by exploitative recruitment agencies, and low wages relative to high costs of living.⁶²

The fact that domestic workers are not covered by the labour law makes them even more vulnerable to physical violence, sexual abuse, withholding of passports, and restrictions on mobility and communications. Additionally, because of their isolation, these women are often unaware of their rights and thus have limited access to legal services and redress. Prohibitions on domestic workers transferring employment means that when problems arise and women escape, they risk becoming "irregular" and face deportation.⁶³ Excluding migrant domestic workers from the protection of the labour law violates articles 2 and 11 of the CEDAW, which obligates States Parties to "pursue by all appropriate means and without delay a policy of eliminating discrimination against women," and guarantees women equal access to benefits and conditions of employment including equal remuneration, social security, protection of health and safety, and decent working conditions.⁶⁴

58 Jean D'Cunha, *Claim and Celebrate Women Migrants' Human Rights through CEDAW*, UNIFEM, (New York, 2005), p. 23. Available from: www.unifem.org/materials/item_detailc768.html

59 CEDAW Committee, *Concluding Observations*, paras. 9-10.

60 David Keane and Nicholas McGeehan, "Enforcing migrant workers' rights in the United Arab Emirates", *International Journal on Minority and Group Rights*, vol. 15 iss. 1 (2008), pp. 85-86. Available from: <http://mena2010wjp.org/wp-content/upload/2010/08/Migrants-workers-rights-UAE.pdf>

61 US State Department, *Human Rights Report 2011*, pp. 27-28.

62 *Ibid*, pp. 24 and 28.

63 Migrant Forum in Asia, "Women Migrant Workers in the UAE: Not Quite in the Portrait", *NGO Submission to 45th Session of CEDAW Committee* (Quezon City, Philippines, 2010), p.4.

64 CEDAW, arts. 2 and 11.

EMPLOYMENT CONTRACTS

The UAE has implemented mandatory employment contracts for domestic workers that specify the duration of contract, salary, accommodation, healthcare, repatriation costs, arrangements for settlement of disputes, recruitment fees, adequate breaks, paid vacation, and methods for coordinating with concerned embassies.⁶⁵ While standard contracts offer some protection against employer abuse, they do not serve as an adequate substitution for extending equal protection to domestic workers under the labour law. Thus, in its Concluding Observations the CEDAW Committee welcomed the unified contract but urged the government to strengthen legal protections for domestic workers by taking further steps to guarantee equal application of all labour laws and guarantee all workers the fundamental right of freedom of association.⁶⁶ In response to such criticisms, the Government has proposed a draft law to regulate the employment of domestic help. The new law has yet to be approved or signed, but rights groups have said it holds promise for significant improvements in addressing worker abuse.⁶⁷

MINIMUM WAGE AND MINIMUM AGE

There is no established minimum wage in the UAE. Monthly salaries for domestic or agricultural workers are estimated to be 400 dirhams (110 dollars) and for construction workers, 600 dirhams (164 dollars).⁶⁸ While the labour law provides for overtime pay, it does not cover domestic workers, leaving them vulnerable to working long hours for little pay.⁶⁹ Because the labour law's exclusion of domestic workers results in a large percentage of women migrant workers being paid less than others who are doing similar work, it is discriminatory and in violation of article 11 1(d) of the CEDAW, which obligates States Parties to ensure that women receive equal remuneration for work of equal value.

Although salaries for migrant workers are very low, employers withholding wages has been a common complaint. To remedy this, the Government initiated a Wage Protection System (WPS) that electronically verifies payment of wages, and fines employers who do not pay wages on time. Reports show that in 2011, 3.3 million workers received their wages via direct deposit through the WPS.⁷⁰ However, as with other provisions of the labour law, this does not apply to domestic workers and thus discriminates against a large proportion of the women migrant workers.

The minimum age for normal, regular work is 18, and children 15 or older are allowed to work with written approval from a legal guardian, as long as it is minor work performed during the day for a maximum of six hours per day.⁷¹ Some labour-sending countries

65 Rakhee Timothy and SK Sasikumar, *Migration of Women Workers from South Asia to the Gulf*, p.108.

66 CEDAW Committee, *Concluding Observations*, paras. 36-37, CEDAW Committee, Forty-fifth Session, 2010.

67 Human Rights Watch, *UAE: Proposed Law to Benefit Domestic Workers* (New York, 11 May 2012). Available from: www.hrw.org/news/2012/05/11/uae-proposed-law-benefit-domestic-workers

68 US State Department, *Human Rights Report 2011*, p. 26.

69 Ibid.

70 Ibid, p. 27.

71 United Arab Emirates, Ministry of Labour, *Employment Contracts and Durations*

have enacted minimum ages for their citizens migrating to the UAE for work especially in some vulnerable sectors of labour such as domestic work. For example, the Philippines has set a minimum age of 23 for all those wishing to migrate for employment as domestic workers.⁷²

REGULATION OF RECRUITMENT AGENCIES

It is well documented that many recruitment agencies take advantage of prospective women migrant workers by charging high placement fees. These fees often require workers to take out loans that may take months or years to repay, and can lead to debt bondage. The employer or sponsor also pays a fee to the recruitment service and pays for the worker's airfare, employment visas and work permits, and return airfare. Some unscrupulous employers however, have allegedly falsely accused employees of theft in order to avoid paying the price of the return airfare.⁷³

To address these problems, in January 2011, the UAE Ministry of Labour issued new regulations and licensing requirements for private employment/recruitment agencies that better protect migrant workers. According to these new regulations, individuals or entities that are in violation of labour laws, including non-payment of wages or non-compliance with housing standards, will be banned from hiring new workers or have their operations suspended. Agencies are also banned from collecting any money from recruited workers and will be required to "reimburse all sums levied from the worker either by the agency or any other individual or entity, within or outside the UAE". Also, employment agencies will be held "jointly liable with third party users of their services for meeting wage and other obligations to workers ... and agencies are principally responsible for meeting these obligations in the event the third party fails to do so".⁷⁴

These new regulations are good rights-based practices as they better protect women migrant workers, many of whom use recruitment agencies, from unethical conduct by the agencies, as well as the third party users. This is in line with General Recommendation 26, which obligates States Parties to "adopt regulations and design monitoring systems to ensure that recruiting agents and employments agencies respect the rights of all women migrant workers." General Recommendation 26 also calls upon States Parties to "include into their legislation a comprehensive definition of irregular recruitment along with the provision of legal sanctions for breaches of the law by recruitment agencies."

72 Graziano Battistella and Maruja MB Asis, "Protecting Filipino Transnational Domestic Workers: Government Regulations and Their Outcomes", *Discussion paper series No. 2011-12*, Philippine Institute for Development Studies (Makati City, July 2011). Available from: <http://dirp4.pids.gov.ph/ris/dps/pidsdps1112.pdf>

73 Mafiwasta and FIDH, *UAE - Universal Periodic Review*

74 Global Forum on Migration & Development, Platform for Partnerships, *Private Employment Agencies – New Regulation UAE*, (webpage, 7 April 2011). Available from: www.gfmd.org/en/pfp/practices/item/178-private-employment-agencies-%E2%80%93-new-regulation-uae#

HEALTHCARE AND WORKPLACE SAFETY

In 2006, the Government decreed that employers should be required to provide health insurance for low-skilled workers. Following that decree, in 2008 Abu Dhabi passed a law requiring employers and business owners to provide health insurance coverage for employees, including all non-UAE nationals and their families. Subsequently, Dubai announced plans to phase in mandatory health insurance by 2015.⁷⁵ Ensuring adequate healthcare is a good, rights-based practice in line with article 12 of the CEDAW, which obligates States Parties to ensure women access to health care on an equal basis with men.

To the extent that the UAE's new regulations exclude domestic workers however, this is discriminatory as many of the country's women migrant workers are employed as domestic help. The isolation of domestic workers in private homes heightens their risk of ill treatment, psychological, physical, and sexual abuse, as well as food deprivation, illness, and forced confinement. Thus, excluding domestic workers from regulations requiring health coverage for employees is a violation of article 2 of the CEDAW requiring States Parties to adopt measures prohibiting discrimination against women. The CEDAW Committee commented on this issue in its Concluding Observations, where it recommended that special attention be paid to the health needs of women non-nationals.⁷⁶

Migrant workers with HIV/AIDS and other health conditions also face discrimination. UAE regulations require all migrant workers requesting or renewing their residence visa to undergo health screenings, including blood tests and chest X-rays. Those who test positive for HIV/AIDS, hepatitis B or C, tuberculosis or leprosy are quarantined and deported, without access to medical services or support. Commenting on mandatory HIV/AIDS testing, the CEDAW Committee cautions States Parties to respect the human rights of women migrants by ensuring all medical testing is voluntary, and providing free or affordable services when necessary.⁷⁷ UAE law requires employers to provide employees with a safe working and living environment. During 2009, the press reported a number of workers injured or killed in the workplace due to inadequate safety measures.⁷⁸ In response the Ministry of Labour hired additional safety and health inspectors, primarily at construction sites, and fined employers who violated rules on workplace safety or midday breaks. The ministry also employed interpreters to assist foreign workers in understanding employment guidelines.⁷⁹ However, because domestic workers are not considered employees and their sponsors are not legally employers they do not fall under the labour law, and private homes where domestic workers are employed are not subject to workplace safety inspections. This is discriminatory and in violation of article 11(f) of the CEDAW which obligates States Parties to ensure women's right to protection of health and safety in working conditions.

75 Human Rights Watch, *The Island of Happiness, Exploitation of Migrant Workers on Saadiyat Island, Abu Dhabi* (New York, 2009), p. 6. Available from: www.hrw.org/sites/default/files/reports/uae0509webwcover_4.pdf

76 CEDAW Committee, *Concluding Observations*

77 CEDAW Committee, *General recommendation No. 26*, para. 24(d).

78 US State Department, *Human Rights Report 2010 – United Arab Emirates* (2010). Available from: www.state.gov/j/drl/rls/hrrpt/2010/index.htm

79 US State Department, *Human Rights Report 2011*, p. 26.

EQUALITY BEFORE THE LAW

Freedom of Association

In the UAE, all political organizations are illegal, and workers do not have the right to organize, form trade unions, bargain collectively, or strike.⁸⁰ Additionally, all associations and NGOs are required to register with the Ministry of Social Affairs, and many receive government subsidies. Registration rules require that all voting organizational members, as well as board of directors, must be Emirati citizens. A report on human rights by the US State Department has pointed out that this excludes the vast majority of the population from fully participating in such organizations.⁸¹ By denying migrant workers the right of association and of collective bargaining, limiting their participation in NGOs, and impeding human rights organizations from functioning independently, the Government is contributing to migrant worker abuse and exploitation.⁸² Ensuring migrant workers the freedom to associate is fundamental to their ability to enjoy other rights. Recognizing this, in General Recommendation 26 the CEDAW Committee stated that States Parties must ensure that constitutional and civil law, as well as labour codes, provide to women migrant workers the same rights and protection that is extended to all workers in the country, including the right to organize and freely associate. In its Concluding Observations the CEDAW Committee urged the UAE to become a party to ILO Conventions No. 87 and 98 on the rights to organize and bargain collectively, and guarantee to all workers, especially female workers, the fundamental principle of freedom of association.

Freedom of Movement

Article 15(4) of the CEDAW requires States Parties to accord to women equality with men before the law, including laws related to freedom of movement. Confiscating passports violates the right to freedom of movement and is prohibited by UAE law.⁸³ In 2001, a Dubai Court of Cassation stated that employers are not permitted “to confiscate the passport of an employee and prevent him from his natural right to travel and move, whatever the nature of the relationship.” The retention of migrant workers’ passports is nonetheless commonplace in the UAE and there has been confusion in the judiciary over its illegality.⁸⁴ In General Recommendation 26, the CEDAW Committee makes it clear that governments must ensure “employers and recruiters do not confiscate or destroy the travel or identity documents belonging to women migrants. States Parties should also take steps to end the forced seclusion or locking in the homes of women migrant workers, especially those working in domestic service”.⁸⁵ Labour law reforms initiated in the UAE in 2011 were aimed at reducing or eliminating this practice, however, in order to provide meaningful protection the law must be effectively enforced. Additionally, as recommended by the CEDAW Committee, police officers should be trained on this matter in order to protect the rights of women migrant workers.

80 Rakhee Timothy and SK Sasikumar, *Migration of Women Workers from South Asia to the Gulf*, p.108.

81 US State Department, *Human Rights Report 2011*, p. 13.

82 Mafiwasta and FIDH, *UAE - Universal Periodic Review*.

83 Human Rights Watch, *The Island of Happiness*.

84 Mafiwasta and FIDH, *UAE - Universal Periodic Review*.

85 CEDAW Committee, *General recommendation No. 26*, para. 26(d).

WOMEN'S ACCESS TO JUSTICE

Redress for Violations of Workers' Rights

All employees covered by the labour law, including migrant workers, may file employment dispute complaints with the Ministry of Labour, which serves as mediator between the parties. Those complaints not resolved in mediation can then be filed with the labour court, and subsequently forwarded to the conciliation council. Professional associations with a majority citizen membership may also raise work-related issues, file grievances and petition the government for redress.⁸⁶

Because domestic workers are exempt from the labour law, this method of dispute resolution is not open to them. Instead domestic workers must rely on provisions written into their contract to settle any dispute with their employer. Many migrants seek assistance from their respective embassies when disputes arise, however not all diplomatic missions are able to provide adequate legal assistance to their nationals.⁸⁷ Excluding domestic workers from labour law protections limits their access to justice mechanisms, is discriminatory, and violates article 15 of the CEDAW which obligates States Parties to “accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity.”

REDRESS FOR SEXUAL AND GENDER-BASED VIOLENCE

Women migrant domestic workers are very vulnerable to gender-based violence, due to their isolation and limited access to information about their rights. Despite frequent reports of foreign domestic workers being sexually assaulted by their employers, those who run away are often treated as suspects by UAE authorities. Because domestic workers are not covered under the labour law, and because their legal status in the country is directly tied to employment with their sponsor, they have limited access to legal advice and redress mechanisms.⁸⁸

Legal assistance is particularly important in cases of rape, because the law in the UAE places an extremely high burden of proof on victims to show that sex was non consensual. Additionally, the very act of reporting a rape puts a woman in danger of being charged with illicit sex.⁸⁹ While the CEDAW Committee has taken note of the UAE's initiatives to protect women from violence by supporting shelters, counselling services and hotlines for victims, it said it remained “deeply concerned about the lack of protection of female migrant workers, especially domestic workers, when reporting cases of violence against them may lead to them being treated as offenders, or accused of a crime, or deported.”

86 US State Department, *Human Rights Report 2011*, p. 24.

87 International Labour Organization, *Gender and Migration in the Arab States - The Case of Domestic Workers* (Geneva, 2009), p. 102-103.

Available from: www.academia.edu/855502/Gender_and_Migration_in_Arab_States_The_case_of_domestic_workers

88 Migrant Forum in Asia, “Women Migrant Workers in the UAE”, p. 4.

89 US State Department, *Human Rights Report 2011*, p. 18.

F. ANALYSIS AND CONCLUSIONS

The UAE has been a leader in the Arab world in promoting equality for women. The World Economic Forum's Gender Gap Report 2011 noted that "The United Arab Emirates continues to hold 1st position among the Arab countries and improves its performance relative to its own score of 2010."⁹⁰ The CEDAW Committee has also taken note of the UAE's progress in promoting and protecting women's human rights. In its most recent Concluding Observations, the Committee commended the Government for: high levels of education attained by women nationals; efforts to ensure more women participate in political life; and various initiatives that "encourage participation of women in all economic areas and in particular the business sector, such as the establishment of councils of businesswomen and the creation of a businesswomen award".⁹¹

While women migrant workers do not benefit directly from many of these initiatives, the UAE has initiated some gender-sensitive rights-based good practices that better protect the rights of migrant women. Some of these include:

- Establishment of a National Committee for the Suppression of Human Trafficking and a National Plan to Combat Trafficking, a national plan to combat trafficking, and a special court to hear human trafficking cases.
- Finalization of a central database for law enforcement officers working on anti-trafficking cases to improve prosecution efforts.
- Designated police personnel and standard operating procedures for identifying trafficking victims, to ensure victims are not punished for unlawful acts committed as a result of having been trafficked.
- Adoption of Federal Act No. 51 on the suppression of human trafficking, which sufficiently defines and penalizes trafficking.
- Establishment of shelters for female and child victims of trafficking and abuse that provide medical, psychological, legal, and vocational assistance to female victims of trafficking.
- Anti-trafficking information and education campaigns within the UAE and with source country embassies, including an advertisement campaign in the Abu Dhabi and Al Ain international airports.
- Establishment of a website to raise awareness about trafficking and a toll-free hotline to report labour abuses. Amendments to Federal Labour Law No. 8 (1980) to better safeguard the rights of temporary contractual workers.
- Information campaigns in source country languages on migrant workers' rights.
- New regulations banning recruitment agencies from directly or indirectly collecting fees from migrant workers; and making agencies jointly liable with third-party users of their services for meeting wage and other obligations to workers.
- 2011 changes to the labour code eliminating the requirement that foreign workers receive permission from their employer before changing jobs.
- Advances in education including: a 90-per-cent literacy rate for women; 77 per cent of women enrolled in higher education; training of women as muftis, or Sunni Muslim scholars to qualify as interpreters of Islamic law.
- Abolishing the six-month ban on seeking new employment, if a migrant worker's previous

90 World Economic Forum, *The Global Gender Gap Report 2011* (Geneva, 2011), p. 25. Available from: www3.weforum.org/docs/WEF_GenderGap_Report_2011.pdf

91 CEDAW Committee, *Concluding Observations*, paras. 6, 18, and 34.

employment ends prematurely.

- Finalization of draft of new law to protect domestic workers.
- A Wage Protection System (WPS) that electronically verifies payment of wages, and fines employers who do not pay wages on time.
- Invitation of the UN Special Rapporteur on Trafficking to conduct a fact-finding mission and recommend ways in which the Government can improve efforts at combating trafficking.
- Ratification of the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol).
- Establishment of transitional facilities and shelters in Abu Dhabi, Dubai, Ras al Khaimah, and Sharjah, which provide protection, counselling, and rehabilitation services – including medical, psychological, legal, educational, and vocational assistance to female victims of trafficking and violence.
- Government lectures on forced labour issues presented to tens of thousands of foreign workers in companies and institutions throughout the country.
- The Federal Labour Law No. 8 (1980), which covers all employees including migrants (with a few exceptions such as domestic workers) and governs most employment matters, including maximum working hours, breaks, annual leave, overtime, compensation for work-related injuries and death, severance pay, and requirements for employers to pay repatriation costs on completion of contract. Additionally, the law allows a worker to abandon her work if the employer fails to honour either contractual or legal obligations to the worker.
- Mandatory standard employment contracts for domestic workers that specify the duration of contract, salary, accommodation, healthcare, repatriation costs, arrangements for settlement of disputes, recruitment fees, adequate breaks, paid vacation, and methods for coordinating with concerned embassies.
- A 2006 Government decree that employers should be required to provide health insurance for low-skilled workers, as well as a 2008 Abu Dhabi law requiring employers and business owners to provide health insurance coverage for employees, including all non-UAE nationals and their families, and plans in Dubai for phasing in mandatory health insurance by 2015.

These are all positive developments, However as UAE authorities have acknowledged on a website providing information for migrant workers: “The UAE has many good laws on paper - the test will be enforcing them.”⁹² Much more work needs to be done to fill the gaps between between laws and implementation. Additionally further changes must be made to the legal framework to ensure women migrant workers enjoy equal protection of the law.

G. RECOMMENDATIONS

The CEDAW Committee recommended that the UAE:

- Fully incorporate into the Constitution or other appropriate domestic legislation the principle of equality between women and men in accordance with article 2 (a) of the CEDAW, as well as a definition of discrimination on the basis of sex in line with article 1 of the Convention.

92 Available from: www.dubaifaqs.com/united-arab-emirates.php

- Extend State responsibility for acts of discrimination by public and private actors in accordance with article 2 (e) of the Convention, with a view to achieving formal and substantive equality between women and men.
- Duly take into account in gender-equality policies the contribution of migrant workers to national development, in particular women migrant workers.
- Guarantee equal application of all labour laws to women and men regardless of their nationality.
- Guarantee all workers, including female workers, the fundamental principle of freedom of association and equal remuneration for work of equal value.

In addition to these recommendations, the UAE should also consider:

- Ratifying the remaining human rights treaties to which it is not yet a party, particularly the Convention on Migrant Workers, and ILO Conventions No. 87 and No. 98.
- Establishing a national human-rights institution in accordance with the Paris Principles.
- Repealing or amending all discriminatory civil laws related to marriage and family life.
- Repealing discriminatory penal codes that allow men to use physical violence against female family members.
- Enacting a law prohibiting spousal rape.
- Withdrawing reservations to the CEDAW, particularly to articles 2 and 1, as such reservations are inconsistent with the purpose of the Convention.
- Undertaking initiatives to eliminate gender stereotypes and biases regarding the roles of women in private and public life. Such initiatives may include revised school curricula, gender equality training for teachers, and awareness-raising campaigns with members of the media.
- Including domestic workers under the labour laws to ensure their equal right to benefits, remuneration and conditions of employment.
- Abolishing the Kafala sponsorship system.
- Improving collection of data on women being trafficked into and out of the country.
- Better enforcing laws prohibiting employers from withholding employees' passports.
- Repealing discriminatory "Emiratization" policies that limit opportunities for migrants to work in the UAE.
- Allowing migrant workers to form and join unions, and participate in collective bargaining. Establish a minimum wage for all workers that allows for a decent standard of living.
- Stopping the deportation of migrant workers who test positive for HIV/AIDS and other conditions, and instead providing them with adequate medical care, counselling and support services.
- Requiring work safety inspections of private homes where domestic workers are employed.
- Allowing migrant workers to fully participate in the work of NGOs – and allowing NGOs to operate independently.
- Undertaking measures to ensure women migrant workers, especially domestic workers have adequate access to justice mechanisms and legal assistance. Putting in place easily accessible dispute resolution mechanisms and repealing or amending laws that prevent women migrant workers from using the courts and other systems of redress.
- Amending the standard contract for domestic workers to include: a ceiling on working hours per week; provisions for a rest day or overtime pay; workers' compensation; greater specification of "adequate breaks"; and one month of paid vacation every two years.

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