



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the fourth periodic report of the United Arab Emirates\*

1. The Committee considered the fourth periodic report of the United Arab Emirates (CEDAW/C/ARE/4) at its 1891st and 1893rd meetings (CEDAW/C/SR.1891 and CEDAW/C/SR.1893), held on 21 and 22 June 2022. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/ARE/Q/4, and the responses of the United Arab Emirates are contained in CEDAW/C/ARE/RQ/4.

#### A. Introduction

2. The Committee appreciates the timely submission by the State party of its fourth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group on the fourth periodic report. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Community Development, Hessa bint Essa Bhumaid, and included representatives of the Ministry of Human Resources and Emiratisation; Ministry of Education; Ministry of Justice; Ministry of Health and Prevention; Ministry of Foreign Affairs and International Cooperation; Ministry of Interior; Federal Authority for Identity, Citizenship, Customs and Port Security; Federal National Council; General Women's Union; Gender Balance Council; Supreme Council for Motherhood and Childhood; Abu Dhabi Center for Sheltering and Humanitarian Care; and the Permanent Mission of the United Arab Emirates to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2015 of the State party's combined second and third periodic reports (CEDAW/C/ARE/2-3) in undertaking legislative reforms, in particular the adoption of the following:

\* Adopted by the Committee at its eighty-second session (13 June–1 July 2022).



(a) Federal Law No. 10 of 2019, strengthening protections relating to domestic violence;

(b) The 2016 amendment to the Federal Penal Code of 1987, abolishing article 53(1), which allowed for the commission of acts of violence by a husband against his wife as punishment;

(c) The 2020 amendment to the Federal Penal Code of 1987, repealing article 334, which provided for lenient sentences in cases of so-called “honour killings”;

(d) Federal-Decree Law No. 15 of 2020, amending article 356 of the Penal Code and repealing the offence of consensual indecent acts (*zina*);

(e) The 2017 amendment to Federal Law No. 17 of 1972, expanding the rights of Emirati mothers to pass their nationality to their children;

(f) Federal-Decree Law No. 6 of 2020, amending Federal Law No. 8 of 1980, which aims at eliminating workplace discrimination against women and gender-based violence, particularly sexual harassment; expands women’s access to employment; establishes the principle of equal pay for work of equal value, including equivalent work of equal value; and requires private sector employers to provide paid parental leave;

(g) Federal Law No. 10 of 2017, Council of Ministers Decision No. 22 of 2019, and Decisions Nos. 765 and 766 of 2015 of the Ministry of Human Resources and Emiratisation, introducing safeguards for migrant and domestic workers, including women, and lifting certain restrictions on their employment;

(h) Decision No. (3/Chairman) of the Chairman of the Securities and Commodities Authority’s Board of Directors, requiring listed companies to appoint at least one woman to their boards, in 2020;

(i) Federal Decree-Law No. 13 of 2018, modifying Federal Decree-Law No. 3 of 1983, to ensure gender equality in the judiciary;

(j) The directive by Sheikh Khalifa bin Zayed Al Nahyan, late President of the United Arab Emirates, providing that Emirati women must occupy 50 per cent of the seats on the Federal National Council.

5. The Committee welcomes the State party’s efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) The National Committee on Sustainable Development Goals, through Cabinet Decree No. 14 of 2017;

(b) The Sheikha Fatima bint Mubarak Women, Peace and Security Initiative, in 2019, and the first national action plan on the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security, in 2021.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2016.

7. The Committee also welcomes the State party’s financial support to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and the continued operation of the Human Trafficking Victim’s Support Fund, established pursuant to National Committee Decision No. 32/7 of 2014.

## **C. Sustainable Development Goals**

8. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

## **D. Federal National Council**

9. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the Federal National Council, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

## **E. Principal areas of concern and recommendations**

### **Reservations**

10. The Committee welcomes the information that the State party is examining the possibility of lifting or narrowing the scope of its reservations to articles 2 (f), 9, 15 (2), 16 and 29 (1) of the Convention and is establishing a working group chaired by the Ministry of Foreign Affairs and International Cooperation for that purpose. It is nevertheless concerned that none of these reservations, which constitute an obstacle to the implementation of the Convention as a whole, have to date been withdrawn and that no time frame has been set for such withdrawal.

11. The Committee reminds the State party that reservations to articles 2 and 16 are incompatible with the object and purpose of the Convention (see the statement by the Committee on reservations, adopted at the nineteenth session in 1998). It reiterates its previous concluding observations ([CEDAW/C/ARE/CO/1](#), para. 17, and [CEDAW/C/ARE/CO/2-3](#), para. 10) that the State party should narrow its reservations to the Convention with a view to their complete withdrawal. In doing so, the State party should take into consideration the practices of countries with similar cultural backgrounds and legal systems that have successfully harmonized their national legislation with their international human rights obligations, in particular those under the Convention. The Committee further recommends that the State party ensure the consultation of civil society, in particular women's organizations, in that process.

### **Legal status of the Convention**

12. The Committee takes note of the information provided by the State party regarding the status of the Convention in its national legal order, but regrets that the Convention still takes no precedence over national laws. The Committee also regrets the limited measures taken by the State party to incorporate the provisions of the Convention into national legislation.

13. The Committee reiterates its previous concluding observations (CEDAW/C/ARE/CO/1, para. 13, and CEDAW/C/ARE/CO/2-3, para. 12) that the State party should ensure the precedence of the Convention over national laws and recommends that the State party accelerate the process of incorporating the Convention into its national legislation in order to make the provisions of the Convention directly applicable in the national courts.

#### **Definition of equality and non-discrimination**

14. The Committee is concerned that, despite its previous concluding observations (CEDAW/C/ARE/CO/1, para. 15, and CEDAW/C/ARE/CO/2-3, para. 14), there is still a lack of comprehensive legislation enshrining the principle of equality of women and men in the State party. The Committee is also concerned about the maintenance of discriminatory provisions in the State party's legislation, such as the concept of male guardianship, and unequal rights of women and men with regard to marriage, custody, divorce and inheritance, as stipulated by the Personal Status Law.

15. The Committee recommends that the State party comprehensively incorporate, without further delay, the principle of equality of women and men into its legislation, in line with the commitment it made during the second cycle of the universal periodic review (see A/HRC/23/13, para. 128.85). The Committee recommends that the State party repeal as a matter of priority all legal provisions that continue to discriminate against women, including those contained in the Personal Status Law.

#### **Women's access to justice**

16. The Committee notes with concern that women's and girls' access to justice, including effective legal remedies, can be limited by vague legal provisions allowing for broad judicial discretion, such as in relation to the prohibition of domestic violence. The Committee is also concerned that financial and non-financial barriers to accessing justice undermine recent reforms to the criminal justice system, Personal Status Law and labour regulatory framework, particularly in socioeconomically underprivileged areas.

17. In line with its general recommendation No. 33 (2015) on women's access to justice, and the State party's commitment to ensuring that women have full access to justice, obtain equal legal capacity and are treated equally in courts (see A/HRC/23/13, para. 128.81), the Committee recommends that the State party address and remove all financial and non-financial barriers to women's access to justice, including through the issuance of auxiliary regulations to limit judicial discretion, particularly in cases of domestic violence, with a view to enabling women to benefit from recent legal reforms in penal and family law (Federal Law No. 10 of 2019 and Federal-Decree Law No. 5 of 2020), and through service-oriented policies to provide remedies and relief for women and minors affected by domestic violence.

#### **National human rights institution**

18. The Committee welcomes the establishment by the State party of its national human rights institution and looks forward to the institution's accreditation in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee further encourages the State party to ensure that the national human rights institution is endowed with a specific and independent complaint mechanism for women to report violations of their human rights.

19. **The Committee recommends that the State party continue to strengthen its national human rights institution, with a view to achieving its accreditation in line with the Paris Principles, and in line with the commitments made during the third cycle of the universal periodic review (see [A/HRC/38/14](#), para. 141.82). The Committee also recommends that the State party ensure it has a specific mandate on women's rights and gender equality, as well as an effective mechanism to receive and address complaints by women and girls about violations of their rights (see [CEDAW/C/ARE/CO/1](#), para. 21, and [CEDAW/C/ARE/CO/2-3](#), para. 18).**

#### **National machinery for the advancement of women**

20. The Committee notes with concern the lack of information on the impact analysis of the national strategy for the empowerment of Emirati women for the period 2015–2021, including the involvement of civil society in its preparation, and on the renewal of the national strategy from 2022 onwards. The Committee also notes with concern the lack of information on the legal framework defining the mandate and authority of the General Women's Union as the national machinery for the advancement of women in the State party and its coordination with relevant ministries and women's organizations, and on the human, technical and financial resources allocated to the General Women's Union.

21. **The Committee recommends that the State party:**

(a) **Undertake a comprehensive assessment of the impact of the national strategy for the empowerment of Emirati women (2015–2021), and ensure that any subsequent strategy contains time-bound measures, indicators and targets, and an adequate monitoring framework;**

(b) **Provide in its next periodic report detailed information on the General Women's Union, including the legal framework defining its mandate and authority as the national machinery for the advancement of women in the State party and regulating its coordination with relevant ministries and women's organizations, as well as on the human, technical and financial resources allocated to the General Women's Union.**

#### **Women's civil society organizations**

22. The Committee notes with concern the lack of information on women's role in civil society, in particular the number of women's civil society organizations advocating for women's human rights and gender equality in the State party, along with restrictions relating to their freedom of expression and freedom of association.

23. **Recalling its previous concluding observations ([CEDAW/C/ARE/CO/1](#), para. 31, and [CEDAW/C/ARE/CO/2-3](#), para. 20), the Committee recommends that the State party create and ensure an enabling environment in which women's civil society groups and non-governmental organizations working on women's human rights and gender equality may operate independently and participate meaningfully in the formation of law and policy, including through the provision of capacity-building programmes and technical and financial support, and their meaningful participation in decision-making processes in all areas covered by the Convention.**

#### **Temporary special measures**

24. The Committee takes note of the progress made by the State party in increasing the percentage of women in decision-making positions and the adoption of legislation to ensure women's representation in the judiciary, in the Federal National Council and on the boards of publicly listed companies. The Committee is, however,

concerned over the lack of information on temporary special measures to increase the representation of women in the judiciary, especially at the federal level. It is also concerned that, in the absence of temporary special measures, Bedouin, stateless and migrant women and girls, women and girls with disabilities, women and girls in remote areas, elderly women, and women and girls who are victims of violence continue to face many obstacles to the full enjoyment of their rights. The Committee is further concerned over the limited understanding in the State party of the non-discriminatory nature of temporary special measures.

**25. The Committee recommends that the State party adopt and effectively implement temporary special measures, in line with article 4 (1) of the Convention and its general recommendation No. 25 (2004) on temporary special measures, including time-bound goals and quotas in both the public and private sectors, to accelerate the achievement of the de facto or substantive equality of women and men in areas in which women are underrepresented or disadvantaged, including in political and public life and employment. The Committee recommends that the State party, in implementing temporary special measures, pay special attention to the provision of pensions and services to elderly women, along with the provision of services to Bedouin, stateless and migrant women and girls, women and girls with disabilities, women and girls in remote areas, and women and girls who are victims of violence.**

#### **Gender stereotypes**

26. While the Committee notes the State party's continued commitment to changing sociocultural patterns and patriarchal attitudes that discriminate against women in society, including through the implementation of national policies to this effect, it remains concerned that the State party retains discriminatory stereotypes regarding the roles of women and men in society and in the family, focusing primarily on the roles of women as mothers and housewives and not considering them to be full rights holders, including through the perpetuation of stereotypical gender roles through a "social fabric" narrative. The Committee is also concerned about the many provisions contained in the State party's legislation that underscore the subordination of women to their husbands and other male relatives and deprive women and girls of their wilful agency.

**27. The Committee recommends that the State party ensure that strategies aimed at eliminating discriminatory stereotypes regarding the roles and responsibilities of women and men in society and in the family incorporate and highlight the rights and capacity of women and girls to develop their personal abilities and make free choices about their lives and life plans. Such strategies should be developed in collaboration with civil society and the media, should include public awareness-raising and educational campaigns on the negative impact on women's enjoyment of their human rights of discriminatory stereotypes associated with traditional gender roles in the family and in society, and should target women and men as well as girls and boys.**

#### **Harmful practices**

28. The Committee notes with concern the lack of comprehensive data on the prevalence of female genital mutilation in the State party and the absence of legislation specifically criminalizing this harmful practice. It notes the response of the delegation that female genital mutilation no longer takes place in the State party, but remains concerned that failure to compile comprehensive data to inform proactive measures to address female genital mutilation may give rise to an increase in this harmful practice and its social legitimization.

29. **In line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and target 5.3 of the Sustainable Development Goals, to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation, the Committee recommends that the State party adopt legislation to specifically criminalize female genital mutilation, prosecute and adequately punish perpetrators and facilitators under existing applicable criminal law provisions, and systematically collect data in order to inform a robust and evidence-based approach to eliminating this harmful practice. The Committee also recommends that the State party conduct awareness-raising and educational campaigns aimed at promoting understanding of the criminal nature of, and the need to eliminate, female genital mutilation, in particular among medical staff, parents, community leaders, religious scholars, and men and boys.**

30. The Committee commends the State party's efforts to combat child marriage, including through the adoption of Federal-Decree Law No. 8 of 2019, amending Federal Law No. 28 of 2005, which sets the minimum age of marriage at 18 years for women and men. However, the Committee notes with concern that the newly amended article 30 of Federal Law No. 28 still provides for exceptions to the minimum age of 18 years in cases where the child is considered to have reached "maturity", and where the prospective union satisfies a number of criteria, including suitability of the age difference and the ability of the groom to provide adequate domestic and financial support following the marriage, as determined by a specifically established committee, outlined by Council of Ministers Decision No. 71 of 2020.

**31. The Committee recommends that the State party amend article 30 of Federal Law No. 28 of 2005 to repeal all exceptions to the minimum age of marriage at 18 years for women and men, in line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child and target 5.3 of the Sustainable Development Goals. It further recommends that the State party adopt legislation that specifically criminalizes guardians and marriage officiators who conduct or facilitate child marriages, and provide capacity-building programmes for the judiciary on the criminal nature and negative consequences of child marriage on girls' education, human rights and development.**

#### **Gender-based violence against women**

32. The Committee welcomes the progress made by the State party in combating gender-based violence against women, including the adoption of Federal Law No. 10 of 2019 and the accompanying Family Protection Policy, which criminalize and include a broad definition of domestic violence. However, it notes with concern that Federal Law No. 10 of 2019 still provides for wide judicial discretion regarding the permissibility of acts of gender-based violence that do not exceed the perpetrator's rights in guardianship. The Committee is also concerned that article 10 of the Law, which encourages mediation prior to prosecution, may give rise to impunity for acts of domestic violence and assumes that both parties have equal bargaining power. It further notes with concern that the Law does not regulate the working methods for shelters for women survivors of gender-based violence. The Committee notes with concern the rise in cases of domestic violence during the coronavirus disease (COVID-19) pandemic and associated difficulties in access to shelters, both from a protection and public health perspective.

**33. The Committee recommends that the State party amend provisions of Federal Law No. 10 of 2019 that enable the use of a perpetrator's authority over**

**a victim as a justification for acts of domestic violence and provide for mediation in cases of domestic violence. It also recommends that the State party ensure that prosecution of perpetrators is given priority over mediation and adopt auxiliary regulations concerning the working methods of shelters for women survivors of gender-based violence.**

34. The Committee similarly welcomes that the State party has repealed article 334 of the Penal Code, which provided for lenient sentences in cases of so-called “honour killings”. However, it remains concerned that lenient sentences may still be imposed on perpetrators of so-called “honour killings” based on article 332(3), which provides for a minimum one-year sentence in cases of murder where the victim’s family accepts payment of *diya*.

**35. The Committee recommends that the State party repeal article 332(3) of the Federal Penal Code to ensure that perpetrators of so-called “honour killings” receive penalties that are commensurate with the gravity of the crime. It also recommends that the State party address the practice of payment of *diya*, with a view to ensuring that such payments do not result in impunity for perpetrators of gender-based violence against women.**

#### **Trafficking and sexual exploitation**

36. The Committee notes the State party’s efforts to combat human trafficking and the 2012 and 2015 amendments to Federal Law No. 51 of 2006, providing for a broad definition of “exploitation” to cover sexual exploitation, forced labour, servitude, enslavement and quasi-slavery practices. However, it notes with concern that women who are victims of trafficking are sometimes fined for breaches of immigration laws and required to pay overstay fees, or are banned from re-entering, including when they have been unable to leave the country due to perpetrators withholding their passports. The Committee is also concerned about the lack of data on the number of prosecutions and convictions in cases of trafficking in women and girls and the lack of information on a national action plan to combat trafficking in human beings. The Committee is further concerned over the existence of gaps in legal protection due to the unequal enforcement of Federal Law No. 51 of 2006.

**37. The Committee recommends that the State party ensure that women and girls who are victims of trafficking are not fined for breaches of immigration laws, required to pay overstay fees, or banned from re-entering the territory of the State party. It also recommends that the State party close protection gaps in the current legislation criminalizing trafficking; grant temporary residence permits to women and girls who are victims of trafficking, irrespective of their ability or willingness to cooperate with the prosecution authorities; strengthen victim support measures, including by providing legal and psychosocial assistance, as well as rehabilitation programmes; adopt and implement a national action plan to combat trafficking in human beings, including measures for the protection of women and children; and collect comprehensive data on the number of prosecutions and convictions in cases of trafficking.**

#### **Equal participation in political and public life**

38. The Committee welcomes that the State party has achieved gender parity on its Federal National Council and that women’s representation in the foreign service of the State party has increased to 30 per cent. It notes with concern, however, that the number of women in ministerial and ambassadorial positions remains low, with nine and seven positions occupied by women, respectively. The Committee takes note of the increasing representation of women in the judiciary and the recent measures taken by the State party to promote women’s appointment as federal judges. However, the



Committee notes with concern the lack of information on the number of women in security and emergency services, such as the police force.

39. **The Committee recommends that the State party continue its efforts to promote women's representation in the legislature and the foreign service and put in place mechanisms to increase women's representation in executive and leadership posts, including through adopting special measures to promote women's access to ministerial, ambassadorial and other governmental leadership positions, including targeted selection processes and quotas in nomination lists. It also recommends that the State party provide campaign financing and capacity-building programmes on leadership skills and political campaigning skills for women candidates and women politicians. The Committee further recommends that the State party adopt targeted measures, including preferential recruitment of women, to increase the number of women in the judiciary, including at the level of federal judges, and in the national emergency and security services, including the police force.**

### **Nationality**

40. The Committee takes note of Federal Decree-Law No. 16 of 2017, amending Federal Law No. 17 of 1972, which enables Emirati women to confer their nationality to children born to non-Emirati fathers after a period of six years from birth, except in cases where the father is stateless or unknown, where citizenship is conferred from birth. However, the Committee notes with concern the discrepancy in the treatment of these children compared to those born to Emirati men, who acquire citizenship from birth. It also notes with concern that a woman's transmission of nationality under Federal Decree-Law No. 16 of 2017 is neither automatic nor non-discretionary and that Emirati women, unlike Emirati men, are unable to transmit their citizenship to a foreign spouse. The Committee is further concerned that the Decree-Law has the effect of placing children of Emirati women at increased risk of statelessness; that some children born to Emirati fathers do not acquire the nationality of the State party if they are born out of wedlock; and that there is no possibility for children of stateless parents to obtain Emirati nationality. Moreover, the Committee is further concerned that, despite DNA testing that proves the paternity of the father, children born out of wedlock remain without official identification documents and nationality, as a valid marriage certificate must be shown to obtain a birth certificate. The Committee also notes with concern the lack of information on the number of girls and boys who are stateless in the State party.

41. **Recalling its previous concluding observations (CEDAW/C/ARE/CO/1, para. 33, and CEDAW/C/ARE/CO/2-3, para. 36), the Committee recommends that the State party grant Emirati women the same rights as Emirati men to acquire, change and retain their nationality and to confer it on their children and foreign spouses. In this regard, the Committee recommends that the State party revise its legislation, withdraw its reservation to article 9 of the Convention, and ratify the Convention relating to the Status of Refugees of 1951 and the Protocol of 1967 thereto, the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961. The Committee also recommends that the State party regularize the situation of stateless women and girls and ensure their right to a nationality, repeal provisions that make the provision of birth certificates contingent on the production of a valid marriage certificate, and collect sex- and age-disaggregated data on the number of stateless persons in the State party.**

### **Education**

42. The Committee notes the high number of women and girls enrolled in public and private universities, including in science, technology, engineering and mathematics.

It also notes the progress made by the State party in ensuring inclusive education for women and girls with disabilities. The Committee remains concerned, however, about the limited access of stateless and migrant girls to education and educational support programmes.

**43. The Committee recommends that the State party take specific measures to ensure that stateless and migrant girls have adequate access to education and educational support programmes on an equitable footing with Emirati nationals, including through considering the adoption and effective implementation of temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, incorporating time-bound goals and quotas directed towards the achievement of de facto or substantive equality of migrant and stateless girls.**

### **Employment**

44. The Committee welcomes measures taken by the State party to repeal or amend provisions that discriminated against women and limited their access to the labour market, and to expand their labour rights, including Federal Law No. 10 of 2017, Federal Decree-Law No. 6 of 2019, Federal Law No. 4 of 2019, Federal Decree-Law No. 6 of 2020 and Federal Decree-Law No. 33 of 2021. The Committee regrets, however, that these legislative measures fall short of explicitly prohibiting sex-based discrimination in the workplace, including in relation to employment opportunities, vocational training, promotions or demotions, and terminations. It also notes that the State party has not ratified or acceded to a number of international labour conventions that protect women's labour rights.

**45. The Committee recommends that the State party adopt legislation explicitly prohibiting sex-based discrimination, including in relation to employment opportunities, vocational training, promotions or demotions, and terminations, and train law enforcement agencies on the implementation of United Nations standards on combating all forms of sex-based discrimination in the workplace and in the field of employment. It also recommends that the State party ratify the following International Labour Organization (ILO) conventions: Employment Policy Convention, 1964 (No. 122); Maternity Protection Convention, 2000 (No. 183); Workers with Family Responsibilities Convention, 1981 (No. 156); Home Work Convention, 1996 (No. 177); Domestic Workers Convention, 2011 (No. 189); and Violence and Harassment Convention, 2019 (No. 190). The Committee further recommends that the State party expressly criminalize sexual harassment through targeted legislation, ensuring that the definition include those perpetrators outside of positions of authority, and including reference to special aggravating factors.**

### **Women migrant domestic workers**

46. The Committee welcomes that Federal Law No. 10 of 2017 regulates working hours, rest days, annual leave and sick leave of domestic migrant workers and that Council of Ministers Decision No. 22 of 2019 provides implementing regulations for the Law, including obligations and licensing requirements of recruitment offices, as well as working hours and professional health and safety standards. It notes Decisions No. 765 and No. 766 of 2015 of the Ministry of Human Resources and Emiratisation, which remove restrictions on domestic workers when changing employment. However, the Committee notes with concern that migrant domestic workers who leave employment with their sponsors are required to pay them back one month's wages in addition to court-determined compensation pursuant to article 23(3) of Federal Law No. 10 of 2017. It is further concerned that the continued application in practice of the *kafalah* system places women migrant domestic workers in a situation of

economic and legal dependency on their employer and at elevated risk of abuse, including sexual abuse and excessive working hours, and de facto deprivation of liberty due to the continued practice of passport confiscation by employers.

47. **The Committee recommends that the State party:**

(a) **Abolish the *kafalah* system and eliminate such practices, and ensure that policies and measures protecting foreign workers are fully implemented, guaranteeing that those who suffer abuse or exploitation are able to fully access appropriate remedies;**

(b) **Ratify the Decent Work for Domestic Workers Convention, 2011 (No. 189) of ILO;**

(c) **Increase campaigns to raise awareness among women migrant domestic workers and their employers of the rights of those workers, including their rights under the new legislation, and of legal remedies and shelters available to enable them to submit complaints about abusive conditions of work;**

(d) **Adequately punish abusive employers, strictly enforce the prohibition of passport confiscation and ensure regular labour inspections of private households where women migrant domestic workers are employed;**

(e) **Prohibit employers from demanding reimbursement for expenses occasioned during recruitment from migrant workers or repayment of one month's wages upon leaving their employ in addition to court-determined compensation, when such workers have already completed their initial contract;**

(f) **Strengthen international cooperation and information exchange with countries of origin.**

## **Health**

48. The Committee notes with concern that women without a marriage certificate and girls in the State party are unable to access certain sexual and reproductive health services in public and private hospitals. It also notes the lack of information on age-appropriate school education on sexual and reproductive health and rights, including responsible sexual behaviour and prevention of early pregnancy and sexually transmitted infections.

49. **The Committee recommends that the State party ensure that all women, regardless of their marital status, and girls have adequate access to sexual and reproductive health services. It also recommends that the State party integrate age-appropriate education on sexual and reproductive health and rights, including responsible sexual behaviour and prevention of early pregnancy and sexually transmitted infections, in curricula at all levels of education.**

50. The Committee notes with concern that abortion is not legal, except in cases in which there is a threat to the life of the pregnant woman or where the fetus is shown to have a severe and incurable abnormality, and that doctors have wide discretion to refuse to carry out abortive procedures in these cases. It is also concerned that women undergoing an abortion face criminal penalties, including in cases of rape and consanguinity. The Committee further notes with concern that women who seek hospital treatment for miscarriages face criminalization when hospital staff suspect that they have attempted to access abortion services, especially in circumstances where pregnancies occur outside of wedlock.

51. **Recalling its previous concluding observations ([CEDAW/C/ARE/CO/2-3](#), para. 42 (a)), the Committee reiterates that unsafe abortion is a leading cause of maternal mortality and morbidity, and recommends that the State party legalize**

**abortion at least in cases of rape, incest or threat to the health of the pregnant woman and severe fetal impairment, and decriminalize it in all other cases; provide women with access to safe post-abortion services, especially in the case of complications resulting from unsafe abortions or miscarriages; and remove punitive measures for women who suffer a miscarriage.**

#### **Disadvantaged groups of women**

52. The Committee expresses its concern over intersecting forms of discrimination faced by Bedouin women and women living in remote areas, including in access to services, access to justice, and exposure to harmful practices, such as female genital mutilation and child marriage.

**53. The Committee recommends that the State party act to ensure that all women facing intersecting forms of discrimination, including Bedouin women and women living in remote areas, are able to fully enjoy all rights contained in the Convention, and that targeted educational and awareness-raising campaigns to eliminate harmful practices in Bedouin communities and against women in remote areas are carried out, in particular among medical staff, parents, community leaders, religious scholars, and men and boys.**

#### **Marriage and family relations**

54. The Committee notes the explanation provided by the State party that the *mahr* (dowry) practice does not commodify women. The Committee nevertheless notes with concern the continued application of numerous provisions of the Personal Status Law that discriminate against women and girls. It is particularly concerned about the de jure maintenance of male guardianship for women and girls, the requirement for a male guardian to validate a marriage contract in lieu of court determination, the wide persistence of polygamy, and the limited grounds available to women to seek divorce, in contrast to men's liberty to unilaterally request divorce for any reason. The Committee remains deeply concerned that divorced women lose custody of their children when their daughters reach 13 years of age, when their sons reach 11 years of age, or before such age if the woman remarries.

**55. Recalling its previous concluding observations (CEDAW/C/ARE/CO/1, para. 48, and CEDAW/C/ARE/CO/2-3, para. 46), the Committee recommends that the State party withdraw its reservation to article 16 of the Convention and undertake a comprehensive legislative review of its Personal Status Law, taking into account the experience of other countries with similar cultural backgrounds and legal norms, to provide women with equal rights in marriage, family relations and divorce, and with regard to property and custody of children. It recommends that the State party discourage and minimize polygamy, in line with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations and general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.**

#### **Data collection and analysis**

56. The Committee takes note of the information provided by the State party in its report, in its replies to the list of issues and in its dialogue, but regrets that the sex-disaggregated data remain insufficient to enable proper monitoring of all areas covered by the Convention.

**57. The Committee encourages the State party to continue its efforts to establish a system for the regular collection of sex-disaggregated statistical data on all areas covered by the Convention.**

**Optional Protocol to the Convention and amendment to article 20 (1) of the Convention**

58. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

**Beijing Declaration and Platform for Action**

59. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

**2030 Agenda for Sustainable Development**

60. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

**Dissemination**

61. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Federal National Council and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities, research institutions and the media. It recommends that the present concluding observations be disseminated in an appropriate form at the local community level to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee's general recommendations, to all stakeholders.

**Ratification of other treaties**

62. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the treaties to which it is not yet a party, namely the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

**Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.**

**Follow-up to the concluding observations**

63. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 31, 41 and 47 (a) above.

**Preparation of the next report**

64. The Committee invites the State party to submit its fifth periodic report, which is due in July 2026. The report should be submitted on time and cover the entire period up to the time of its submission.

65. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

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