

Submission by the Australian Nursing and Midwifery Federation

Inquiry in the Comprehensive Economic Partnership Agreement between Australia and the United Arab Emirates

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**Australian
Nursing &
Midwifery
Federation**



Australian Nursing and Midwifery Federation / Inquiry in the Comprehensive Economic Partnership Agreement between Australia and the United Arab Emirates

Annie Butler
Federal Secretary

Lori-Anne Sharp
Federal Assistant Secretary

Australian Nursing and Midwifery Federation
Level 1, 365 Queen Street, Melbourne VIC 3000
E: anmffederal@anmf.org.au
W: www.anmf.org.au



Introduction

1. The Australian Nursing and Midwifery Federation (ANMF) is Australia's largest national union and professional nursing and midwifery organisation. In collaboration with the ANMF's eight state and territory branches, we represent the professional, industrial and political interests of more than 330,000 nurses, midwives and care-workers across the country.
2. Our members work in the public and private health, aged care and disability sectors across a wide variety of urban, rural and remote locations. We work with them to improve their ability to deliver safe and best practice care in each and every one of these settings, fulfil their professional goals and achieve a healthy work/life balance.
3. Our strong and growing membership and integrated role as both a trade union and professional organisation provides us with a complete understanding of all aspects of the nursing and midwifery professions and see us uniquely placed to defend and advance our professions.
4. Through our work with members, we aim to strengthen the contribution of nursing and midwifery to improving Australia's health and aged care systems, and the health of our national and global communities.

Overview

5. The ANMF thanks the Joint Standing Committee on Treaties for the opportunity to provide a submission in relation to the ratification of the Comprehensive Economic Partnership Agreement (the Agreement) between Australia and the United Arab Emirates (the UAE).
6. The ANMF recognises the economic benefits of international trade and that it is vital to strengthening the Australian economy. When engaging in negotiating trade agreements with other nation states, the Australian Government should be alert to the context in which trade takes place. The ANMF is of the view that Australia should be reticent to enter into trade agreements where human rights violations are a present risk.



7. In this brief submission, the ANMF supports the more detailed submission made by the Australian Fair Trade and Investment Network (AFTINET), of which the ANMF is a member. AFTINET's submission raises a number of significant concerns, which should give pause to the Australian Government in ratifying the Agreement. To this end, the ANMF supports AFTINET's recommendations, namely that the Agreement should not be ratified in its current form.

ANMF Position Statement

8. In addition to the issues raised by AFTINET, the ANMF wishes to draw the Committee's attention to our own *Position Statement on Free Trade Agreements*.¹ It is the view of the ANMF that any free trade agreement proposed for ratification by the Australian Government should be assessed against the following criteria:

- Its impact on the provision and quality of health services;
- Its impact on nursing and midwifery practice and workforce;
- Its impact on labour conditions and human rights;
- Its impact on national sovereignty;
- Its impact on the Australian labour market; and
- Its impact on climate change and the environment.

9. Given the concerns highlighted in the AFTINET submission, when assessed against the above criteria, it is apparent that the proposed Agreement fails to meet the acceptable standards of a trade agreement, particularly in relation to labour conditions, human rights, climate change, and the environment. It should be noted from the outset that many of the potentially positive elements of the Agreement should be regarded as negligible, due to a lack of proper

¹ <https://anmf.org.au/resources/policies-guidelines-position-statements>



enforcement mechanisms (discussed below at [23]-[25]).

Labour Conditions

10. Any free trade agreement must not allow for weakening of internationally accepted labour laws and indeed should include conditions which raise standards to meet International Labour Organization (ILO) conventions. The AFTINET submission outlines the various pitfalls in the UAE labour system, particularly in relation to the *kafala* system, relevant to the non-professional migrant workforce.
11. The Agreement would allow Australian nurses and midwives to work in the UAE. While it is likely that such nurses or midwives would be considered professional workers, and therefore unlikely to succumb to the more egregious elements of the *kafala* system, this should nonetheless be considered a risk that the Australian Government should safeguard against in the interest of its citizens.
12. An Australian worker based in the UAE, even a professional such as a nurse or midwife, would not enjoy the safety net provided by a minimum wage, nor would they have the right to organise, bargain collectively or join a union. These basic rights do not exist under UAE law.
13. The Australian Government should conduct an analysis of the current state of compliance by both Australia and the UAE with labour including the *ILO Declaration on Fundamental Principles and Rights at Work*. This should include analysis of how the trade agreement would impact the ability of Australia and the UAE to ensure compliance with human rights and labour standards.
14. The right to organise and effectively bargain collectively is not universal in the UAE. Legislation providing for a minimum wage does not exist. In this context, the Australian Government should at the very least conduct a thorough and public study into the effect of a trade agreement on the conditions of low-income workers in both Australia and the UAE.
15. The ANMF recommends that the Australian Government conduct a feasibility study to



examine the compliance of both Australia and the UAE with human rights and labour standards, including the core right of freedom of association and ensuring that they currently comply or will be compliant before an agreement is reached.

Human Rights

16. In its World Report of 2024, *Human Rights Watch* notes that the actions and policies of the UAE sit at odds with international human rights standards.² This includes the incarceration of activists, dissidents, academics, and others subjected to arbitrary detention for exercising their human rights.
17. Women in the UAE face significant hardship due to the way in which laws regulate the spousal relationship. For example, a woman is legally obligated to maintain the home and cannot move residence with her children without their father's permission. Given the increasing understanding in Australia of family and domestic violence, the risk factors here should be readily apparent.
18. In the education sphere, women attending some state universities require parental or male guardian permission for participation in off-campus activities.
19. Lesbian, gay, bisexual and transgender people face persecution under the UAE domestic law on the basis of sexual orientation and gender identity. The act of 'sodomy' is a criminal offence, as well as any other 'flagrantly indecent act', framed broadly enough to capture a range of activities and expressions of atypical sexuality or gender.
20. The ANMF recommends that the Australian Government refrain from entering into trade agreements with countries that demonstrate a poor human rights record, such as the UAE, unless such an agreement includes enforceable mechanisms to improve human rights standards in those countries.

Climate and the Environment

² <https://www.hrw.org/world-report/2024/country-chapters/united-arab-emirates>



21. Amnesty International reports that despite commitments on the international stage to reduce carbon emissions in line with a 1.5°C increase in global pre-industrial temperatures, the policies and actions of the UAE are inconsistent with this stated position.³ The UAE is a large producer and exporter of fossil fuels that will hamper global efforts to reduce carbon emissions.
22. The ANMF recommends that the Australian Government commission a feasibility study to examine how recent trade developments have impacted upon environmental and climate conditions in the UAE and how a trade agreement with Australia will further impact those conditions.

Enforcement

23. The ANMF notes with alarm that chapters 17 to 20 of the Agreement contain a carve out from the dispute settlement procedure under chapter 25 of the Agreement. In effect, this renders all of those provisions unenforceable.
24. These provisions lie at the heart of the Agreement's treatment of matters pertaining to labour conditions, human rights and the environment. To the extent that trade agreements may encourage nation-state parties to lift global standards on human rights and other matters, the exclusion of these matters from the dispute resolution procedure in this Agreement undermines such efforts.
25. The ANMF recommends that dispute resolution carve outs for chapters 17 to 20 be removed as a precondition to Australia ratifying the Agreement.

³ <https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/united-arab-emirates/report-united-arab-emirates/>