



SHAMSAHA

United Arab Emirates

Information included in the following section is based on UAE's Laws and Legislations.

Domestic Violence & Gender-based Violence

Are there laws recognising domestic violence in UAE?

There are no laws protecting against domestic violence or criminalizing acts of domestic violence in the UAE.

The Penal Code does not specifically criminalise marital rape.

Other areas of UAE law contain general prohibitions that are applicable to domestic violence, including:

- Article 26 of the Constitution provides that, no person shall be subjected to torture or other indignity.
- Article 55(5) of the PSL provides that a wife has a right to not be injured physically or mentally.
- Articles 327-359 of the Penal Code (1987) prohibit and criminalize murder, assault and battery, kidnapping, exposing another to danger, verbal threats, rape and indecent assault.

Sexual Assault

Is Rape and Sexual Assault criminalized in UAE?

Federal Law Number 3 of 1987, UAE Penal Code criminalizes any indecent or disgraceful behavior towards women, in that:

- Article 358 provides whosoever publicly or openly commit a disgraceful or indecent act shall be punished by way of detention for a period not less than six months. In addition, any unwelcoming or disgraceful act against a girl below the age of 15 years even if not committed publicly shall be punished with a minimum imprisonment of 1 year.
- Article 359 provides: whosoever disgraces women by words or deeds in a public place, or a street shall be punished with imprisonment of a period not more than two years

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and a maximum fine of AED 10,000. Further, a similar penalty will be imposed on any man who disguises himself in women's clothing and enters a public place reserved for women. If such man commits a crime in such clothing shall be considered as an aggravating circumstance."

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Violence in the Workplace

What are the laws protecting from workplace harassment in UAE?

Article 360-370 of the Penal code contains for various categories of sexual harassment at the workplace. Such behavior includes:

- Anyone who entices passerby on a road or street by way of words or signs to debauchery shall be punished with a minimum term of 6 months;
- Anyone who prompts an act of debauchery by way of song or yelling shall be imprisoned with a term not exceeding six months or fine AED 5,000;
- Imprisonment for a minimum term of 1 year will be imposed on anyone who entices women to do debauchery or prostitution, wherever a punishment not exceeding ten years for those who entice for debauchery by coercion;
- Life imprisonment for those who habitually practice debauchery or prostitution.

Other laws regulating equality in the workplace include:

Marriage

What is the minimum age of marriage?

According to Article 1(2) of the Personal Status Law (2005), the minimum legal age for marriage is 18 years old for females and males.

- However, a judge may allow girls and boys below 18 to marry if it is deemed to be in their interest.
- The law does not stipulate an absolute minimum age below which a marriage may not be authorized.

Can a women be forced into marriage?

Forced marriages are prohibited.

- Articles 38-39 of the Personal Status Law (2005) provides, regardless of their age, both prospective brides and grooms must consent to the marriage.

Is consent of a marital guardian (wali) required?

According to Article 20 of the Personal Status Law (2005), Regardless of her age, a prospective bride requires the consent of a marital guardian (wali) to enter into marriage.

- If the guardian opposes the marriage, the prospective bride may seek the authorisation of a judge to get married.
- The judge may validate the marriage after providing the guardian with the opportunity to be heard and determining that the prospective bride's guardian's objections are not convincing.

Divorce

What are the laws on Divorce under Sharia Law?

For men, the right to divorce his wife is absolute and effective immediately. However, women's right to divorce is generally limited.

- However, according to Article 100 of the Personal Status Law (2005), a husband may delegate his unilateral right to divorce to his wife (isma) through a stipulation in the marriage contract.

In the circumstances where the women's husband refuses to divorce her, **two options are available**. She can get a judicial divorce or 'Khul'.

Articles 112-131 of the Personal Status Law (2005) allows a wife to seek judicial divorce under the following justifications:

- failure to provide financial maintenance
- incurable or severe physical or mental illness
- infertility
- prolonged absence of more than one year
- imprisonment of more than three years (wife may seek divorce after one year)
- failure to copulate with his wife for more than four months
- adultery.
- A wife may also seek divorce on the basis of prejudice and discord that make the harmonious constitution of marital life impossible.

What is Khul and what are the processes?

'Khul' is the process whereby the woman is required to pay her husband a sum of money to annul the marriage.

- According to the law, Khul is allowed under the following justifications:

Family Planning

What are the laws on abortions in UAE?

Article 16 of the Law on Medical Responsibility No. 4 of 2016 provides that abortion is only permitted in two cases:

- to save a mother's life
- if there is evidence that the baby will be born with fatal deformities and will not survive

Article 15 of the Law on Medical Responsibility (2016) provides that no action shall be taken with respect to family planning, except by consent of both spouses.

Child Custody

Articles 146, 156 of the Personal Status Law (2005) provide that, a mother has priority over the custody of her children (followed by the children's father, maternal grandmother, paternal grandmother, etc.), until her daughter reaches 13 and her son reaches 11.

- After that, Custody of both girl and boy reverts to the father unless a judge determines that it is in the interest of the child for her or him to remain in the custody of the mother.

A mother loses custody of her child as a result of her:

- unsound judgement
- immaturity
- lack of fidelity
- inability to raise, maintenance and care the child in the child's best interest; (iv) dangerous, contagious or infectious diseases
- previously convicted for a crime against honour
- remarriage to a man who is not closely related to the child unless the court considers it to be in the best interest of the child to remain in the custody of the mother
- not being a Muslim unless a judge deems it in the interest of the child; but the mother's custodial rights over the child ends when the child reaches five.

Alimony under Sharia

What are the women's financial entitlements after divorce?

Articles 63, 91, 107, 138-139 of the Personal Status Law (2005) govern the area of financial entitlements following divorce.

Generally, upon divorce, a woman may be entitled to:

- financial maintenance during the waiting period after the divorce (Iddah)

- The maintenance amount is dependent on the husband's financial capacity as well as the wife's circumstances and economic conditions.
 - The iddah period ranges from three months to a maximum of one year and depends on the woman's situation e.g. whether she is pregnant, menstruating, etc.
- a consolatory gift (Mut'ah)
 - Article 140 of the PSL provides that in case the husband divorces his wife by his unilateral will without a request from her, she is entitled to a mu'tah compensation as well as iddah maintenance depending on the financial status of the husband provided it does not exceed one year's worth of maintenance.
- a share in a financial venture, the building of a house or anything similar to which she has been made a partner together with her husband.
 - Article 62(1) of the Personal Status Law provides that, each spouse is entitled to their share based on their respective contribution in case of divorce.
- Following a divorce, the father is responsible for the financial maintenance of his children.