

## UNITED ARAB EMIRATES<sup>1</sup>

### OVERVIEW OF MUSLIM FAMILY LAWS & PRACTICES (Updated as at 8 AUGUST 2022)

Family Law Matter	Description				
	Legislative Framework	Case Law	Policy	Procedure	Practice
<p><b>Equality of spouses in marriage</b></p> <p><i>Is there a Constitutional provision on equality and are there exceptions? Are there specific laws that recognise marriage as a partnership of equals i.e. are family laws and/or other laws relating to marriage and family relations codified or uncoded? If codified, what are the titles of all the applicable laws? If codified, do these laws apply to all citizens irrespective of religion? If not, do these laws apply to all Muslims or</i></p>	<p>The Constitution of the UAE provides that equality, social justice, the provision of safety and security and equality of opportunity for all citizens form the bases of the community.<sup>2</sup></p> <p>Article 25 of the constitution states that “all persons shall be equal before the law,” and that there shall be no discrimination between citizens on the basis of “race, nationality, religious belief or social position.”<sup>3</sup> There is no specific prohibition of</p>		<p>The UAE has reservations to Articles 2(f), 9, 15(2), 16 and 29 of CEDAW. With respect to Article 16, the UAE states that it would abide by the provisions of this Article insofar as they are not in conflict with Shariah principles.<sup>13</sup></p>		<p>According to the 2020 UNDP Human Development Report, the UAE ranked 31 on the UNDP Human Development Index out of 189 countries, and 18 out of 162 countries on the 2019 Gender Inequality Index.<sup>16</sup> UN Women notes that additional work is needed to achieve gender equality, including remedying key gap areas such as violence against women.<sup>17</sup></p>

<sup>1</sup> This table was originally formulated as part of a 2016-2017 Musawah project to map Muslim Family Laws globally led by Zainah Anwar and coordinated by Lead Researcher Sharmila Sharma, with substantive support from Salma Waheedi and students at the International Human Rights Clinic, Harvard Law School. For this UAE country table, we would also like to thank Kierra Jones and Divya Srinivasan from Harvard Law School, and Dr. Lena-Maria Möller for their inputs in its original preparation. This table was last updated in 8 August 2022 as part of the Campaign for Justice in Muslim Family Laws, we would like to thank Salma Waheedi for the recent update.

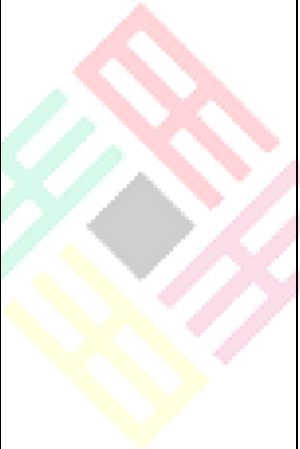
<sup>2</sup> Constitution of the United Arab Emirates (1971), as amended, Article 14, [https://www.constituteproject.org/constitution/United\\_Arab\\_Emirates\\_2004.pdf](https://www.constituteproject.org/constitution/United_Arab_Emirates_2004.pdf).

<sup>3</sup> Constitution of the United Arab Emirates (1971), as amended, Article 25.

<sup>13</sup> United Nations Treaty Collection Website, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidsg\\_no=IV-8&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidsg_no=IV-8&chapter=4&clang=en)

<sup>16</sup> Human Development Report 2020. The Next Frontier: Human Development and the Anthropocene. Briefing Note for Countries on the 2020 Human Development Report: United Arab Emirates, <https://hdr.undp.org/sites/default/files/Country-Profiles/ARE.pdf>.

<sup>17</sup> United Arab Emirates, UN Women, <https://data.unwomen.org/country/united-arab-emirates>.

<p><i>are there different codified laws for different sects within Islam? If uncodified, or if codified laws do not sufficiently address a particular issue, how is the issue addressed e.g. what Muslim school of law is applicable? Do these laws explicitly state gender-stereotypical roles between husbands and wives e.g. the husband is the head of the household or the wife is the primary caregiver?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 54-55 GR29</p>	<p>gender-based discrimination in the constitution.</p> <p>Article 7 of the Constitution provides that Shariah is a principal source of legislation.<sup>4</sup></p> <p>The UAE Personal Status Law (PSL), No. 28 of 2005, is the main codified law that governs matters relating to marriage and family relations of the majority Muslim population in the UAE regardless of sect.<sup>5</sup> Non-Muslims in the UAE may opt for the applications of provisions specific to their respective religions.<sup>6</sup> The Personal Status Law also applies to non-nationals, unless they ask for the laws of their own countries to be applied.<sup>7</sup> Independently, Abu Dhabi enacted its own Personal Status Law for non-Muslims.<sup>8</sup></p>		<p>In its 2020 Report to the CEDAW Committee, the Government of the UAE indicated that it is considering lifting reservations to the extent that it does not conflict with national sovereignty or the Islamic Shariah.<sup>14</sup></p> <p>The Government report also stated that the Personal State Law tries to establish stable families by ensuring that both parties can handle the burdens of marriage with affection and</p>		<p>The UAE ranked 72 out of 156 countries in the World Economic Forum's Global Gender Gap Index.<sup>18</sup></p>
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<sup>4</sup> Constitution of the United Arab Emirates (1971), as amended, Article 7.

<sup>5</sup> UAE Personal Status Law (2005), as amended, [https://elaws.moj.gov.ae/UAE-MOJ\\_LC-Ar/00\\_احوال%20شخصية/UAE-LC-Ar\\_2005-11-19\\_00028\\_Kait.html?val=AL1](https://elaws.moj.gov.ae/UAE-MOJ_LC-Ar/00_احوال%20شخصية/UAE-LC-Ar_2005-11-19_00028_Kait.html?val=AL1).

<sup>6</sup> UAE Personal Status Law (2005), as amended, Article 1(2).

<sup>7</sup> UAE Personal Status Law (2005), as amended, Article 1(3).

<sup>8</sup> Personal Status for Non-Muslims, UAE Government Portal, Updated 23 November 2021, <https://u.ae/en/information-and-services/justice-safety-and-the-law/personal-status-for-non-muslims>.

<sup>14</sup> UAE State Party Report to CEDAW, U.N. Doc. CEDAW/C/ARE/4 (2020), para. 14, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fARE%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fARE%2f4&Lang=en).

<sup>18</sup> Global Gender Gap Report 2021 – Insight Report, World Economic Forum, March 2021, [https://www3.weforum.org/docs/WEF\\_GGGR\\_2021.pdf](https://www3.weforum.org/docs/WEF_GGGR_2021.pdf).

	<p>The PSL states that its provisions shall be interpreted in accordance with the principles of Islamic jurisprudence (<i>fiqh</i>); and for matters not explicitly covered in the law, the rules of Maliki jurisprudence generally apply, followed by the rules of Hanbali, Shafi'i, Hanafi jurisprudence, in that order.<sup>9</sup></p> <p>The PSL provides for a framework of complementarity of rights, whereby a woman is entitled to financial maintenance by the husband in exchange for certain obligations, including cohabitation.<sup>10</sup> A woman may lose her financial rights if she refuses sexual relations with her husbands without a valid excuse, abandons the marital home without a valid excuse, or otherwise violates any of her legal obligations in marriage.<sup>11</sup></p> <p>In 2019 and 2020, the UAE took several positive steps to eliminate certain discriminatory</p>		<p>compassion, and emphasized that Islamic law is the primary reference for the law in most matters.<sup>15</sup></p>		
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<sup>9</sup> UAE Personal Status Law (2005), as amended, Article 2.  
<sup>10</sup> UAE Personal Status Law (2005), as amended, Articles 54-56, 71.  
<sup>11</sup> UAE Personal Status Law (2005), as amended, Article 71.  
<sup>15</sup> UAE State Party Report to CEDAW, U.N. Doc. CEDAW/C/ARE/4 (2020), para. 111.

	<p>provisions in the PSL, including the requirement of “obedience” by the wife. The amended law emphasizes an expanded set of mutual rights, including respect, compassion, good treatment, and mutual duty to care for their children, in addition to guaranteeing a wife’s right to complete her education, leave the home to visit her immediate family relations, and pursue work outside the home.<sup>12</sup></p>				
<p><b>Minimum and equal legal age for marriage</b></p> <p><i>Is there a minimum age of marriage? Are there exceptions to the minimum age (e.g. min. age at 18, with exceptions to 16)? Is there an absolute minimum age without exceptions? Is there equality in the minimum age of marriage? Does the minimum age of marriage match the age of majority? Is there a minimum age verification process before the marriage is concluded?</i></p>	<p>The PSL establishes a minimum age of marriage of 18 lunar years for both girls and boys, but continues to allow for judicially granted exceptions to the minimum age.<sup>19</sup></p> <p>The law does not specify an absolute minimum age under which marriage cannot be contracted.</p>			<p>A marriage officiator is required to verify the age of both parties at the time of contracting the marriage, and online application for a marriage contract includes a procedure to verify age through the</p>	<p>According to official marriage statistics, the median marriage age of Emiratis in Abu Dhabi is 25.6 years for females and 28.7 years for males.<sup>24</sup></p> <p>Marriage age statistics were not publicly available for other Emirates. Concerns remain that child marriages continue to be practiced, especially in remote and more traditionally tribal areas, but are uncaptured</p>

<sup>12</sup> UAE Personal Status Law (2005), as amended, Articles 54-56, 72.

<sup>19</sup> UAE Personal Status Law (2005), as amended, Article 30.

<sup>24</sup> Population and Demography, Statistics Center – Abu Dhabi, Statistical Yearbook 2016, <https://www.scad.ae/Release%20Documents/Statistical%20Yearbook%20-%20Marriage%20%20Divorce%20-%20EN.pdf>.

<p><u>Applicable CEDAW Provision</u> Article 16(2) Paras. 36-39 GR21</p>				<p>submission of identification documents.<sup>20</sup></p> <p>In 2020, the UAE Council of Ministers issued guidelines with respect to evaluating petitions for marriage of children below 18 years of old.<sup>21</sup> These for the establishment of a committee to evaluate such marriage requests by a decision of the Minister of Justice, and instructs the committee to consider all applications for marriage when the parties are</p>	<p>by official statistics.<sup>25</sup></p> <ul style="list-style-type: none"> <li>○</li> </ul>
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<sup>20</sup> Marriage, Information and Services, Social Affairs, UAE Government Portal, Updated 30 June 2022, <https://u.ae/en/information-and-services/social-affairs/marriage>.

<sup>21</sup> UAE Council of Ministers Decision No. 71 of 2020, with respect to marriages of individuals who reached puberty and are below 18 years of age, 27 October 2020, [https://elaws.moj.gov.ae/UAE-MOJ\\_LC-Ar/00\\_زواج/UAE-LC-Ar\\_2020-10-27\\_00071\\_Karmaj.html?val=AL1](https://elaws.moj.gov.ae/UAE-MOJ_LC-Ar/00_زواج/UAE-LC-Ar_2020-10-27_00071_Karmaj.html?val=AL1).

<sup>25</sup> Children of the UAE, Humanium, <https://www.humanium.org/en/united-arab-emirates/>.

				<p>below 18 but have reached puberty.</p> <p>In making a decision, the guidelines instruct the committee to verify (a) that the marriage would not result harm in relation to living standards of the marriage candidates; (b) suitability in terms of age difference and comparable social and economic standing; (c) the ability of the groom to provide an adequate marital home and financial maintenance after marriage; and (d) that the marriage would not</p>	
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				<p>adversely affect the bride's ability to pursue an education.<sup>22</sup></p> <p>The guidelines further instruct the committee to verify that the child has reached puberty and that there are no health side effects to a pregnancy at her young age (by way of a medical report), and to verify the consent of the female child and her understanding of her prospective marriage duties.<sup>23</sup></p>	
<p><b>Women's consent to marriage</b></p> <p><i>Is a marriage valid without the</i></p>	<p>The Personal Status Law states that the consent of both the bride and her guardian are</p>			<p>A standardized marriage contract is</p>	<p>Particularly in tribal and remote settings, women can be vulnerable to the</p>

<sup>22</sup> UAE Council of Ministers Decision No. 71 of 2020.

<sup>23</sup> UAE Council of Ministers Decision No. 71 of 2020.

<p>woman's consent? Is the practice of forcing women to marry against their will (<i>ijbar</i>) prohibited? Is there a standard marriage contract? If so, what are its broad provisions and is there anything particular in the contract that ought to be highlighted on the basis that it advances women's rights or otherwise? Is it mandatory to register a marriage?</p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(b) Paras. 15-16 GR21 Paras. 25-26, 33-34 GR29</p>	<p>required in order to officiate a marriage.<sup>26</sup></p> <p>There is no provision in the law to enable a woman to request annulment of a marriage that was contracted under coercion.</p>			<p>available on the UAE Government's e-portal, and signature of the wife, husband, and the wife's guardian are required for the contract to be valid.<sup>27</sup> Marriage registration is mandatory.<sup>28</sup></p> <p>Procedures to register a contract are available on the website of the Judicial Department of each Emirate.<sup>29</sup></p>	<p>control of their male relatives and are forced to contend with either submitting to the choices of their guardians or otherwise being prevented from entering marriages of their choosing.<sup>30</sup></p>
<p><b>Women's capacity to enter into marriage</b></p> <p><i>Is consent of a marital guardian</i></p>	<p>Regardless of her age, a woman must obtain the consent of a male guardian (<i>wali</i>) in order to enter into marriage.<sup>31</sup></p>	<p>There have been a number of successful <i>adhl</i> cases in UAE courts, but research</p>		<p>A woman may petition in court in order to obtain</p>	<p>In practice, it remains socially and practically difficult for a woman to bring an <i>adhl</i> case to court,</p>

<sup>26</sup> UAE Personal Status Law (2005), as amended, Articles 39, 41.

<sup>27</sup> Marriage, Information and Services, Social Affairs, UAE Government Portal, Updated 30 June 2022, <https://u.ae/en/information-and-services/social-affairs/marriage>.

<sup>28</sup> UAE Personal Status Law (2005), as amended, Article 27.

<sup>29</sup> Marriage, Information and Services, Social Affairs, UAE Government Portal, Updated 30 June 2022, <https://u.ae/en/information-and-services/social-affairs/marriage>.

<sup>30</sup> Interview with UAE-based attorney, January 2020.

<sup>31</sup> UAE Personal Status Law (2005), as amended, Articles. 32-35, 39.



<p><i>(wali) required? If so, can a woman choose her own wali? Can a woman go before a court or other competent authority to seek permission to marry if her wali refuses to consent to her marriage? Can a woman negotiate her marital rights prior to marriage and can these rights be changed during marriage? If so, who can change these rights and under what circumstances e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(a), 16(1)(b) Paras. 15-16 GR21 Para. 34 GR29</p>	<p>The PSL stipulates that a male guardian shall contract a woman's marriage after obtaining her consent, and that a marriage contract is invalid in the absence of a woman's guardian.<sup>32</sup> A marriage contracted without a guardian's consent may be annulled, even if the marriage had been consummated.<sup>33</sup></p> <p>The PSL specifies the order of male relatives who may take this guardianship role, prioritizing a woman's father, followed by a son, brother, and uncle.<sup>34</sup> In all cases, a Muslim woman's guardian must be an adult Muslim man of sound reasoning.<sup>35</sup></p> <p>In cases where a guardian unreasonably withholds consent (<i>adhI</i> cases), a woman may seek authorization of a judge in</p>	<p>indicates that some cases may face delays of up to two years until a judge's authorization is issued.<sup>37</sup></p>		<p>authorization to enter into marriage, on the basis of a guardian's unreasonable withholding of consent.<sup>38</sup> The PSL does not specify the basis upon which a judge can accept or reject a woman's request to get married, leaving the matter to the discretion of each individual judge.</p>	<p>especially that is involves a woman challenging her male guardian, often a father or another male authority figure, before going to court.<sup>39</sup> Many women opt to submit to the will of their guardians for fear of social ostracization or retribution by their families.<sup>40</sup></p> <p>In addition, empowering woman's guardian to control a woman's marriage choices enables the abuse of guardianship powers and the coercion of women into unwanted marriages.</p>
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<sup>32</sup> UAE Personal Status Law (2005), as amended, article 39.  
<sup>33</sup> UAE Personal Status Law (2005), as amended, article 39.  
<sup>34</sup> UAE Personal Status Law (2005), as amended, Article 32.  
<sup>35</sup> UAE Personal Status Law (2005), as amended, Article 33.  
<sup>37</sup> Interview with UAE-based attorney, January 2020.  
<sup>38</sup> UAE Personal Status Law (2005), as amended, Article 34.  
<sup>39</sup> Interview with UAE-based attorney, January 2020.  
<sup>40</sup> Interview with UAE-based attorney, January 2020.

<p><b>Polygamous marriages</b></p> <p><i>Does the law prohibit polygamy or impose strict conditions on such practice? Is the permission of the court required for a polygamous marriage? Is the permission of an existing wife required for a polygamous marriage? Is it necessary to inform an existing wife of the polygamous marriage? Are temporary marriages such as traveler's marriages (misyar) recognised? Is it necessary to register a polygamous marriage? Can a woman stipulate in the marriage contract that her intended husband cannot enter into a polygamous marriage?</i></p> <p><u>Applicable CEDAW Provision</u> Para. 14 GR21</p>	<p>order to enter into marriage.<sup>36</sup></p> <p>The PSL grants a man full discretion to marry up to four wives,<sup>41</sup> and does not mandate either informing nor obtaining the consent of an existing wife or wives.</p> <p>The PSL requires a man to treat multiple wives equitably.<sup>42</sup></p> <p>The law is silent on the status of temporary marriages (<i>misyar</i>).</p>			<p>According to recent reports, the number of polygamous marriages continues to decline in the UAE.<sup>43</sup> Nonetheless, polygamy continues to be practiced in a manner that harms women and causes negative consequences to the financial, psychological, and emotional wellbeing of the wives and children of polygamous unions.<sup>44</sup></p> <p><i>Misyar</i> marriages are also reportedly practiced in the UAE, despite their ambiguous legal status.<sup>45</sup></p>
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<sup>36</sup> UAE Personal Status Law (2005), as amended, Article 34.

<sup>41</sup> UAE Personal Status Law (2005), as amended, Article 47.

<sup>42</sup> UAE Personal Status Law (2005), as amended, Article 55.

<sup>43</sup> Afkar Ali Ahmed, "70% of polygamists in 4 emirates are non-Emiratis," *Khaleej Times*, 6 June 2020, <https://www.khaleejtimes.com/uae/70-of-polygamists-in-4-emirates-are-non-emiratis>; Melanie Swan, "Zayed University Study gives snapshots of opinions on polygamy", *The National*, 26 May 2015, <http://www.thenational.ae/uae/zayed-university-study-gives-snapshot-of-opinions-on-polygamy>; Melanie Swan, "Young Emiratis See Polygamy Declining", *The National*, 27 May 2015, <http://www.thenational.ae/uae/young-emiratis-see-polygamy-declining>.

<sup>44</sup> Afkar Ali Ahmed, "70% of polygamists in 4 emirates are non-Emiratis," *Khaleej Times*, 6 June 2020, <https://www.khaleejtimes.com/uae/70-of-polygamists-in-4-emirates-are-non-emiratis>.

<sup>45</sup> Ali Al-Dahiri, "Emirati Society does not recognize Misyar and its Likes", *Al-Bayan*, 15 March 2015, <http://www.albayan.ae/across-the-uae/news-and-reports/2015-03-14-1.2331998>; Muna Ahmed, "No rights, no obligations – just companionship", 23 August 2010, <http://www.emirates247.com/news/emirates/no-rights-no-obligations-just-companionship-2010-08-23-1.282481>

Para. 34 GR29					
<p><b>Divorce rights</b></p> <p><i>Is there equal right to divorce between women and men? Can the husband divorce without reason and without having to go to court? What are the main forms of divorce? Can all forms of divorce be sought only through the courts? Are the grounds for divorce the same for the husband and wife? Is unilateral divorce by repudiation (talāq) prohibited? If unilateral divorce is not prohibited, what is the procedure i.e. is the presence of the spouse to be divorced required, are witnesses required, does the spouse seeking divorce need to</i></p>	<p>The PSL provides for three different mechanisms for divorce, unilateral repudiation (<i>talaq</i>), judicial divorce, redemptive divorce (<i>khul'</i>). A marriage contract may also be annulled.<sup>46</sup></p> <p>A husband may unilaterally divorce his wife and affect <i>talaq</i> either verbally or in writing, with or without a reason.<sup>47</sup> In order for <i>talaq</i> to take effect, it must be officiated in court and authenticated by a judge.<sup>48</sup></p> <p>A husband may delegate his unilateral right to divorce to his wife (<i>isma</i>) through a stipulation</p>	<p>Both the Dubai and the Abu Dhabi Court of Cassation have clarified that if a marriage is irretrievably broken, the union should be dissolved by <i>khul'</i> even if the husband does not consent to the divorce or the particular consideration determined by the court.<sup>55</sup> In such cases, women were either asked to return their dower and waive any</p>	<p>The UAE has amended the divorce provisions of the PSL in 2019 and 2020 to introduce more elaborate conciliation procedures prior to affecting a judicial divorce, as part of a stated policy to reduce divorce rates and guard marriage stability.<sup>58</sup></p>	<p>Couples must go through a conciliation process with the Family Guidance Section of the appropriate Emirate's court before a judicial divorce can be finalized.<sup>59</sup></p> <p>Divorces must be authenticated by a judge and registered with</p>	<p>Media reports point to high divorce rates in the UAE, which some attribute to "lack of guidance and advice."<sup>61</sup> There are no official statistics with respect to the number of court divorces or reasons for divorce rulings.</p>

<sup>46</sup> UAE Personal Status Law (2005), as amended, Articles 99-135.

<sup>47</sup> UAE Personal Status Law (2005), as amended, Articles 99-109.

<sup>48</sup> UAE Personal Status Law (2005), as amended, Article 100.

<sup>55</sup> Appeal No. 69/2008 (Abu Dhabi Court of Cassation (personal status chamber), 31 March 2008); Appeal No. 67/2008 (Dubai Court of Cassation (personal status chamber), 20 January 2009), cited in Lena-Maria Möller, "Struggling for a Modern Family Law: A Khaleeji Perspective", in *Changing God's Law: The Dynamics of Middle Eastern Family Law*, ed. Nadima Yassari (Abingdon: Routledge, 2016), p. 97.

<sup>58</sup> UAE Personal Status Law (2005), as amended, Articles 98, 117-123; Ismail Sebugwaawo, "UAE Officials Highlight Importance of Stable Marriages, Seek to Reduce Divorce Rates," *Khaleej Times*, 6 September 2021, <https://www.khaleejtimes.com/uae/uae-officials-highlight-importance-of-stable-marriages-seek-to-reduce-divorce-rates>.

<sup>59</sup> UAE Personal Status Law (2005), as amended, Article 98. See also Information and Services, Social Affairs, UAE Government Portal, <https://u.ae/en/information-and-services/social-affairs>.

<sup>61</sup> See, e.g., Samihah Zaman, "62% of Emirati couples in Abu Dhabi face divorce within first four years of marriage, research shows," *Gulf News*, 27 July 2021, <https://gulfnews.com/uae/62-of-emirati-couples-in-abu-dhabi-face-divorce-within-first-four-years-of-marriage-research-shows-1.80952239>; "Divorce Rates Soar in UAE Due to Lack of 'Guidance and Advice' for Young Couples," *Middle East Eye*, 12 February 2015, <https://www.middleeasteye.net/fr/news/divorce-rates-soar-uae-due-lack-guidance-and-advice-young-couples-814271420>.

<p><i>go to court, is the divorced spouse informed of the divorce? Is the unilateral right to divorce delegated to the wife? If so, is it by law or through the marriage contract? Is it mandatory to register a divorce?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 34, 39-40 GR29</p>	<p>in the marriage contract, thus permitting her to pronounce <i>talaq</i> upon herself.<sup>49</sup></p> <p>A woman may obtain a divorce through petitioning a court, for a certain set of stipulated grounds. Valid grounds for seeking a judicial divorce by a wife include a husband's 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, and adultery.<sup>50</sup></p> <p>In addition, a wife may seek divorce on the basis of harm or discord that makes the continuation of marital life</p>	<p>remaining claims,<sup>56</sup> or they were even allowed to keep the prompt dower that they received when the marriage was concluded and only had to waive their entitlement to its deferred portion.<sup>57</sup></p>		<p>the appropriate court, and there is a required divorce form to be filed. Forms and procedures are available on the Government's online portal.<sup>60</sup></p>	
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<sup>49</sup> UAE Personal Status Law (2005), as amended, Article 100.

<sup>50</sup> UAE Personal Status Law (2005), as amended, Articles 112-135.

<sup>56</sup> See Appeal No. 77/2007 (Dubai Court of Cassation (personal status chamber), 25 December 2007), Appeal No. 90/2008 (Dubai Court of Cassation (personal status chamber), 24 March 2009), cited in Lena-Maria Möller, "Struggling for a Modern Family Law: A Khaleeji Perspective" in ed. Nadjma Yassari, *Changing God's Law: The Dynamics of Middle Eastern Family Law* (Abingdon: Routledge, 2016), p. 98

<sup>57</sup> Appeal No. 61/2007 (Abu Dhabi Court of Cassation (personal status chamber), 28 November 2007), cited in Lena-Maria Möller, "Struggling for a Modern Family Law: A Khaleeji Perspective", in ed. Nadjma Yassari, *Changing God's Law: The Dynamics of Middle Eastern Family Law*, (Abingdon: Routledge, 2016), p. 98

<sup>60</sup> Information and Services, Social Affairs, UAE Government Portal, <https://u.ae/en/information-and-services/social-affairs>.

	<p>impossible.<sup>51</sup> In cases where harm cannot be proven, the law mandates a reconciliation process. If efforts at reconciliation fail, an arbitration process is required, and arbitrators may rule for a divorces, assign fault to one or both parties, order one or both parties to pay compensation, or reject the divorce petition.<sup>52</sup></p> <p>A wife may seek divorce through <i>khul'</i>, whereby she is granted a divorce in exchange for returning the dowry, all marriage gifts, any amount the husband has paid to enter into marriage.<sup>53</sup> If a husband rejects the <i>khul'</i>, and attempts at reconciliation fail, a judge is authorized to issue a <i>khul'</i> divorce decree.<sup>54</sup></p>				
<p><b>Women's financial rights after divorce</b></p> <p><i>Is there a legal concept of matrimonial assets? Is there equal division of marital property</i></p>	<p>Generally, upon divorce, a woman may be entitled to financial maintenance during the waiting period after the divorce (<i>iddah</i>), generally measured at three months or</p>				<p>According to legal experts, couples generally do not include clauses in the marriage contract regarding the division of assets acquired during the</p>

<sup>51</sup> UAE Personal Status Law (2005), as amended, Article 117.

<sup>52</sup> UAE Personal Status Law (2005), as amended, Articles 117-122.

<sup>53</sup> UAE Personal Status Law (2005), as amended, Articles 110, 123.

<sup>54</sup> UAE Personal Status Law (2005), as amended, Article 123.

<p><i>upon dissolution of the marriage? Is the woman's role as wife and mother recognised as contribution to the acquisition of assets? What spousal maintenance are available to the wife after a divorce? Is she entitled to maintenance during the waiting period after the divorce (iddah)? Is she entitled to a consolatory gift or compensation upon divorce (mut'ah)? Who is responsible for the financial maintenance of children following a divorce? Can the couple agree to the division of assets acquired during marriage in the marriage contract? Can this stipulation be amended? If so, by who and on what basis e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(c), 16(1)(h) Paras. 30-33 GR21 Paras. 34-35, 43-48 GR29</p>	<p>three menstrual cycles.<sup>62</sup></p> <p>If a divorce is affected by a unilateral decision of the husband, the woman is entitled to a compensation (<i>mutaa</i>), in addition to the <i>iddah</i> maintenance, of an amount not exceeding one year's worth of maintenance.<sup>63</sup> In awarding <i>mutaa</i> compensation, a judge may consider the husband's financial means and the harms suffered by the wife as a result of the divorce.<sup>64</sup></p> <p>The PSL also states that each spouse is entitled to retrieve his or her financial contribution to any home purchase or other investment made at the time of marriage.<sup>65</sup></p> <p>The PSL does not recognize the concept of joint matrimonial assets.</p>				<p>marriage. However, some spouses agree on a transferral of certain assets from one spouse to another during marriage.<sup>66</sup></p>
<p><b>Custody of Children</b></p>	<p>A mother has priority rights over the custody of her children up to</p>	<p>Courts have exercised a lot of discretion</p>			<p>According to academic research, in practice, the</p>

<sup>62</sup> UAE Personal Status Law (2005), as amended, Articles 136-141.

<sup>63</sup> UAE Personal Status Law (2005), as amended, Article 140.

<sup>64</sup> UAE Personal Status Law (2005), as amended, Article 140.

<sup>65</sup> UAE Personal Status Law (2005), as amended, Article 62.

<sup>66</sup> Interview with Emirati family law expert, February 2017.

<p><i>Do parents have equal rights over the custody of their children? If no, who has priority right over the custody of the child? Is custody decided based on the best interest of the child? Do mothers automatically lose custody upon remarriage or if she is deemed disobedient or when the child reaches a designated age when custody goes to father?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>a certain age, which is 11 for sons and 13 for daughters, and a judge may extend a mother's custody until a son reaches puberty and a daughter is married, in accordance with the interests of the child.<sup>67</sup> Once a child reaches the specified age, the custody then reverts to the father or to the appropriate custodian determined by the judge in the order specified by the law.<sup>68</sup></p> <p>A divorced custodian is entitled to receiving financial support from the father, including a housing allowance if needed.<sup>69</sup> A mother loses custody of her child if she for reasons of insanity, serious disability or illness, conviction of a crime that touches upon her honor, relocation to a location deemed too far from the child's guardian, or if she marries a man who is not a blood relative of her children.<sup>70</sup> A man does</p>	<p>regarding lines of custodianship and termination of custodianship, and at times have gone beyond some of the restrictions traditionally placed on the women's custody of her children. A 2006 case looked at the bond between mother and children and her ability to provide care as determining factor of a child's best interest.<sup>72</sup></p>			<p>PSL has done little to provide legal certainty. Wide discretion is placed in the hands of judges court based on the concept of the best interests of a child, and courts have refrained from defining what can be considered as the welfare of the child.<sup>73</sup></p>
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<sup>67</sup> UAE Personal Status Law (2005), as amended, Articles 146, 156.

<sup>68</sup> UAE Personal Status Law (2005), as amended, Articles 146-147.

<sup>69</sup> UAE Personal Status Law (2005), as amended, Article 148.

<sup>70</sup> UAE Personal Status Law (2005), as amended, Articles 143-144, 152.

<sup>72</sup> Lena-Maria Möller, "Custody Regulations in the United Arab Emirates: Legal Reforms and Social Realities", *Max Planck Private Law Research Paper No. 13/10*, 2010, p. 13, [https://brill.com/view/journals/haww/11/1/article-p41\\_3.xml?language=en](https://brill.com/view/journals/haww/11/1/article-p41_3.xml?language=en).

<sup>73</sup> Interview with Emirati family law expert, February 2017.

	not lose custody if he remarries.  A custodian must be of the same religion of the child. <sup>71</sup>				
<p><b>Guardianship of Children</b></p> <p><i>Do parents have equal rights over the guardianship of their children? If no, who has priority right over the guardianship of the child? Is guardianship decided based on the best interest of the child?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>A father has priority right over the guardianship of his children during and after a divorce until the children reach the age of civil majority (21 lunar years).<sup>74</sup> If a father or another male relative was unfit or unavailable, a judge may appoint the most fit guardian.<sup>75</sup></p> <p>A minor's guardian must be an adult male of the same religion as the child, and is deemed to be mentally and morally fit to undertake guardianship responsibilities.<sup>76</sup></p>				
<p><b>Family Planning</b></p> <p><i>Do women require the consent of the husband to practise family planning, including abortions and sterilisation in law or in practice?</i></p>	<p>The Law on Medical Responsibility provides that no action shall be taken with respect to family planning, except by consent of both spouses.<sup>77</sup></p>				<p>According to World Bank data, the total fertility rate decreased from 6.9 children per woman in 1960 to 1.8 in 2015.<sup>80</sup></p> <p>According to the UN</p>

<sup>71</sup> UAE Personal Status Law (2005), as amended, Article 144.

<sup>74</sup> UAE Personal Status Law (2005), as amended, Articles 172, 178-179, 181, 188.

<sup>75</sup> UAE Personal Status Law (2005), as amended, Articles 181, 188.

<sup>76</sup> UAE Personal Status Law (2005), as amended, Articles 180-181.

<sup>77</sup> UAE Law on Medical Responsibility (2016), Article 15, <http://www.alkhaleej.ae/alkhaleej/page/a52c11a8-d96c-41e2-aa90-04bfec18267c>

<sup>80</sup> Fertility rates, total (births per woman), World Bank, <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN>



<p><u>Applicable CEDAW Provision</u> Articles 16(1)(e), 12 Paras. 21-23 GR21</p>	<p>The law further states that no procedure on intervention may be used to assist either in pregnancy or sterilisation without consent of both spouses.<sup>78</sup></p> <p>Abortion is permitted only to save a mother's life, or if there is evidence that the baby would be born with fatal deformities and would not survive.<sup>79</sup></p>				<p>Population Division's 2015 Trends in Contraceptive Use Worldwide, 48% of married women aged 15-49 in the UAE USE a method of contraception, with 39% of women using a modern method; and 20% of married women aged 15-49 have an unmet need for family planning services.<sup>81</sup></p>
<p><b>Personal rights of spouses</b></p> <p><i>Does a woman need the consent of her spouse or guardian to work, choose a profession, leave the house, travel, drive, receive various health services, study, etc. on her behalf? Does a woman have the right to retain her birth name upon marriage or to choose her family name? Can a woman protect her personal rights through her marriage</i></p>	<p>Article 26 of the UAE Constitution guarantees the personal freedom of all Emiratis,<sup>82</sup> and article 29 guarantees the freedom of movement and choice of residence within the limits of the law.<sup>83</sup> Article 34 of the Constitution guarantees all Emiratis the right to freely choose their occupation, trade or profession, within the limits of the law.<sup>84</sup></p>			<p>A woman may secure additional rights in the marriage through the inclusion of conditions in the marriage contract, provided that the husband consents to</p>	<p>According to the UNDP Human Development Report 2020, 76% of adult women in the UAE have reached at least a secondary level of education in 2019, compared to 81% of their male counterparts, and female workforce participation reached 52.4%, compared to 93.4% for men.<sup>88</sup></p>

<sup>78</sup> UAE Law on Medical Responsibility (2016), Article 14.

<sup>79</sup> UAE Law on Medical Responsibility (2016), Article 16.

<sup>81</sup> Trends in Contraceptive Use Worldwide 2015, United Nations Population Division, Annex Table 1, pp. 36-42, <http://www.un.org/en/development/desa/population/publications/pdf/family/trendsContraceptiveUse2015Report.pdf>

<sup>82</sup> Constitution of the United Arab Emirates (1971), as amended, Article 26.

<sup>83</sup> Constitution of the United Arab Emirates (1971), as amended, Article 29.

<sup>84</sup> Constitution of the United Arab Emirates (1971), as amended, Article 34.

<sup>88</sup> Human Development Report 2020. The Next Frontier: Human Development and the Anthropocene. Briefing Note for Countries on the 2020 Human Development Report: United Arab Emirates, <https://hdr.undp.org/sites/default/files/Country-Profiles/ARE.pdf>.

<p><i>contract?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(g) Para. 24 GR21 Para. 34 GR29</p>	<p>The PSL guarantees the right of a married woman to pursue an education, visit her immediate relatives, and retain control of her financial assets.<sup>85</sup> Amendments to the law in 2019 and 2020 abolished the obedience requirement by a wife, and added a provision to clarify that leaving the house to pursue work – as long as it is within the bounds of the law, social custom, or is a matter of necessity – may not be considered a violation of a wife’s marital obligations.<sup>86</sup></p>			<p>these conditions. The PSL stipulates that violation of written conditions in the marriage contract can be ground for annulment.<sup>87</sup></p>	<p>According to official statistics, Emirati women make up 65% of all workers in the Government sector. In 2018, women working in the federal government accounted for 44% of all civilian jobs in the federal Government, 41% of leadership positions, 69% of educational and assistant educational positions, and 73% of medical and assistant medical positions.<sup>89</sup></p>
<p><b>Inheritance rights</b></p> <p><i>Are women and men in the same degree of relationship to a deceased entitled to equal shares in the estate and to equal rank in the order of succession? Are there procedures to address any inequalities in inheritance between women and men e.g. can a will be written, can beneficiaries agree to inherit</i></p>	<p>Generally, inheritance rights between women and men are unequal. Articles 313-361 of the PSL details the inheritance shares among beneficiaries, and in many instances, a woman receives half the share of a man with the same degree of relationship to the deceased.</p>		<p>The UAE has a reservation to Article 2(f) of CEDAW on the basis that it violates the rules of inheritance established in accordance with</p>		

<sup>85</sup> UAE Personal Status Law (2005), as amended, Article 55.  
<sup>86</sup> UAE Personal Status Law (2005), as amended, Articles 71-72.  
<sup>87</sup> UAE Personal Status Law (2005), as amended, Article 20.  
<sup>89</sup> UAE State Party Report to CEDAW, U.N. Doc. CEDAW/C/ARE/4 (2020), para. 83.

<p><i>equal shares of the estate or can the children agree to forgo their inheritance in favour of their mother upon the death of their father?</i></p> <p><u>Applicable CEDAW Provision</u> Paras. 34-35 GR21 Paras. 49-53 GR29</p>			<p>Shariah principles.<sup>90</sup></p>	
<p><b>Violence against women in the family</b></p> <p><i>Are there laws that define what constitute domestic violence such as battery, female circumcision, marital rape and other forms of sexual assault and violence that affect a woman's mental health which are perpetuated by traditional attitudes? Is there specific legislation that recognises domestic violence as a crime? Is the husband allowed to discipline his wife? Can a suspected perpetrator marry his alleged abused victim to avoid punishment? Are there support services for women who are the</i></p>	<p>In 2016, the UAE amended article 53 of the Penal Code, removing spousal “discipline” as a permitted act of violence, and in 2020, it repealed article 334 of the same law, which enabled lenient sentences for honor killings.<sup>91</sup></p> <p>In 2019, the UAE enacted its first Domestic Violence Law, which enshrines certain protections for women from acts of violence within the family.</p> <p>Domestic violence is defined in the law as any act or threat that one member of the family commits against another, in</p>	<p>In 2010, the Federal Supreme Court upheld a husband’s right to “chastise” his wife and children as long as there were no physical marks.<sup>96</sup></p>		<p>In the absence of official statistics on domestic violence, it is difficult to estimate the scale of the problem and its social harms, but anecdotal evidence points to a degree of prevalence of spousal abuse that often goes unreported or unpunished due to loopholes in the law and authorities’ reported prioritization of reconciliation and the preservation of family unity and integration.<sup>97</sup></p> <p>A recent study conducted between 2016 and 2017</p>

<sup>90</sup> United Nations Treaty Collection Website, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en)

<sup>91</sup> UAE Penal Code (1987), as amended, Articles 53, 334. In 2021, the UAE enacted a new Penal Code enshrining these amendments, see Law No. 31 of 2021, <https://laws.uaecabinet.ae/ar/materials/law/1529>.

<sup>96</sup> International Center for Justice and Human Rights, “End All Injustice against Women in the United Arab Emirates, *Submission to the CEDAW Committee for the 62<sup>nd</sup> Session*, 2015, p. 4, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ARE/INT\\_CEDAW\\_NGO\\_ARE\\_21873\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ARE/INT_CEDAW_NGO_ARE_21873_E.pdf)

<sup>97</sup> Interview with UAE-based attorney, January 2020.

<p><i>victims of aggression or abuses?</i></p> <p><u>Applicable CEDAW Provision</u> GRs 12 &amp; 19 Para. 40 GR21</p>	<p><i>excess of his guardianship, maintenance, authority, or responsibility, and results in physical, psychological, sexual, or economic harm.<sup>92</sup> Marital rape is not specifically criminalized in the law.</i></p> <p>The Domestic Violence Law enables victims of domestic violence to obtain protection orders, within certain time limits. The public prosecution may issue a 30-day protection order, renewable for an additional 60 days, after which a renewal order must be issued by a competent court, for a period not to exceed six months.<sup>93</sup> The law introduces fines and prison penalties for violating protection orders and for specific acts of domestic violence.<sup>94</sup></p> <p>Article 10 of the Domestic Violence Law mandates that the</p>				<p>revealed an FGM prevalence rate of over 41% among female participants.<sup>98</sup> Over 69% percent of participants considered FGM to be a social custom, whereas only 5% considered it a religious obligation and 20% considered it a recommended act.<sup>99</sup> Around 73% of participants were against FGM.<sup>100</sup></p>
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<sup>92</sup> UAE Domestic Violence Law (2019), Article 3, [https://www.gbc.gov.ae/assets/uploads/gbc\\_family\\_violence\\_2019.pdf](https://www.gbc.gov.ae/assets/uploads/gbc_family_violence_2019.pdf).

<sup>93</sup> UAE Domestic Violence Law (2019), Articles. 6-7.

<sup>94</sup> UAE Domestic Violence Law (2019), Articles 8-9.

<sup>98</sup> Prevalence, knowledge, attitude and practices of female genital mutilation and cutting (FGM/C) among United Arab Emirates population, 20 April 2020, <https://bmcwomenshealth.biomedcentral.com/articles/10.1186/s12905-020-00949-z>.

<sup>99</sup> Prevalence, knowledge, attitude and practices of female genital mutilation and cutting (FGM/C) among United Arab Emirates population, 20 April 2020, <https://bmcwomenshealth.biomedcentral.com/articles/10.1186/s12905-020-00949-z>.

<sup>100</sup> Prevalence, knowledge, attitude and practices of female genital mutilation and cutting (FGM/C) among United Arab Emirates population, 20 April 2020, <https://bmcwomenshealth.biomedcentral.com/articles/10.1186/s12905-020-00949-z>.

	<p>public prosecution offer a “reconciliation” option to victims of domestic violence.<sup>95</sup></p> <p>The UAE has not adopted legislation to criminalize female genital mutilation (FGM).</p>				
<p><b>Nationality rights</b></p> <p><i>Does a wife have the right to confer her citizenship on foreign husbands and children? Can the nationality of an adult woman be arbitrarily removed because of marriage or dissolution of marriage or because her husband or father changes his nationality?</i></p> <p><u>Applicable CEDAW Provision</u> Article 9 Para. 6 GR21</p>	<p>Article 8 of the Constitution provides that no Emirati may be deprived of his nationality, nor may his nationality be withdrawn except in exceptional circumstances which shall be defined by law.<sup>101</sup></p> <p>Matters relating to citizenship and naturalization are governed by the Nationality Law, No. 17 of 1972, and its subsequent amendments.</p> <p>The Nationality Law enables an Emirati man to confer citizenship to his children, regardless of their mother’s nationality, at the time of birth.<sup>102</sup> A foreign wife of an</p>		<p>The UAE has taken a reservation to Article 9 of CEDAW with respect to equal nationality rights, which it had indicated to be matter to be governed by national legislation.<sup>106</sup></p>	<p>Regulations, procedures and forms for applying for UAE citizenship are available on the website of the Federal Authority for Identity, Citizenship, Customs, and Port Security.<sup>107</sup></p>	<p>According to official statistics, 3,354 individuals were granted UAE citizenship in 2019 as part of an initiative to nationalize children born of Emirati women and foreign husbands, who met the legal criteria.<sup>108</sup> The 2020 UAE report to the CEDAW Committee further stated that the UAE Cabinet had issued a number of decisions for the benefit of children born to female UAE citizens, including the issuance of work permits and allowing their enrolment in higher technical colleges on the</p>

<sup>95</sup> UAE Domestic Violence Law (2019), Article 10.

<sup>101</sup> Constitution of the United Arab Emirates, Article 8.

<sup>102</sup> Nationality Law (1972), as amended, Article 2, <https://icp.gov.ae/about-us/laws-and-legislation/>.

<sup>106</sup> United Nations Treaty Collection Website, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en)

<sup>107</sup> Online Services, Federal Authority for Identity, Citizenship, Customs, and Port Security, <https://icp.gov.ae>.

<sup>108</sup> UAE State Party Report to CEDAW, U.N. Doc. CEDAW/C/ARE/4 (2020), para 69.

	<p>Emirati man may be naturalized after seven years of applying for citizenship if the couple has children, and after ten years if no children were born.<sup>103</sup></p> <p>Emirati women may not confer citizenship to their children at the time of birth, except in cases where the father is stateless or unknown. A 2017 amendment to the Nationality Law enables an Emirati woman to apply for citizenship for her children, after the lapse at least six years from the date of birth.<sup>104</sup> An Emirati woman may not confer citizenship on her foreign husband. In all cases, no one may be naturalized without renouncing the nationality of origin.<sup>105</sup></p>				<p>same terms as UAE citizen born to Emirati fathers.<sup>109</sup></p>
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<sup>103</sup> Nationality Law (1972), as amended, Article 3.

<sup>104</sup> Nationality Law (1972), as amended, Article 10 Bis.

<sup>105</sup> Nationality Law (1972), as amended, Article 11.

<sup>109</sup> UAE State Party Report to CEDAW, U.N. Doc. CEDAW/C/ARE/4 (2020), para 69.

**ACCESS TO JUSTICE (please include sources to information as much as possible)**

SYSTEM	PROCEDURES	CHALLENGES FOR WOMEN	GOOD PRACTICES IN COURT SYSTEM
<p>How are Muslim family law (i.e. marriage and family related) cases administered in your country? (E.g. Do you have a Quazi/Kadhi court system, family courts or civil courts?)</p> <p>How many courthouses/court rooms around the country administer Muslim family law cases?</p> <p>If civil or Kadhi courts - what cases are handled by what courts?</p> <p>How many Muslim family law-related judges are there? Are there women working within the court system as judges/marriage registrars e.t.c?</p> <p>Do lawyers represent clients?</p> <p>Personal Status cases for Muslims are adjudicated by Sharia courts, which are part of the UAE civil court</p>	<p>Are the procedures pertaining to family matters (e.g. divorce, maintenance etc) defined in family law and/or are there guidelines/policies available for judges/Kadhis?</p> <p>In general practice, do judges/Kadhis follow procedures?</p> <p>How much judicial discretion do judges/Kadhis have over marriage and family matters?</p> <p>Are there appeal processes?</p> <p>The Procedures of Sharia courts are governed by Law no. 11 of 1992 with Respect to Civil Court Procedures and its amendments.<sup>115</sup></p> <p>The Family Guidance Section in the judiciary of each Emirate is the first point of contact for</p>	<p>What are some key challenges that Muslim women face in accessing justice on family law matters? (E.g. lack of accessibility, costly and bad procedures, delayed processes, gender insensitive judges, etc?)</p> <p>Local experts indicate that social stigma and family pressures, in addition to prejudiced or gender-insensitive judges, represent the most significant obstacles to women seeking justice or redress in courts. Many women opt to avoid resorting to court to avoid social pressures or retaliation by authority figures in their families.<sup>122</sup> Difficulties in accessing competent and affordable lawyers, including female lawyers, can be another obstacle, especially in periphery areas.<sup>123</sup></p>	<p>Are there any good practices, procedures, or policies that you would like to share pertaining to how courts in your country deal with family law cases? (E.g. prioritizing certain types of cases, timely delivery of decisions, clear procedure, etc.)</p> <p>The UAE Ministry of Justice has introduced large-scale automation of services, including now enables online case searches, viewing of hearing schedules, applying to register a marriage, accessing lawyers' databases, and electronic filing for various services.<sup>124</sup> An online case management system enables parties to file documents electronically, reduces delays in court cases, and improves efficiency in making information and documents accessible to all</p>

<sup>115</sup> UAE Civil Courts Procedures Law, No. 11 of 1992, as amended, [https://elaws.moj.gov.ae/UAE-MOJ\\_LC-Ar/00\\_اجراءات%20مدنية/UAE-LC-Ar\\_1992-02-24\\_00011\\_Kait.html?val=AL1](https://elaws.moj.gov.ae/UAE-MOJ_LC-Ar/00_اجراءات%20مدنية/UAE-LC-Ar_1992-02-24_00011_Kait.html?val=AL1).

<sup>122</sup> Interview with UAE-based attorney, January 2020.

<sup>123</sup> Interview with UAE-based attorney, January 2020.

<sup>124</sup> Federal Judiciary, UAE Government Portal, Updated 29 March 2022, <https://u.ae/en/about-the-uae/the-uae-government/the-federal-judiciary>.

<p>system.<sup>110</sup> There are Sharia court chambers in each of the seven Emirates that form the UAE.</p> <p>Cases related to domestic violence are adjudicated in the criminal courts of each Emirate.</p> <p>Women can hold judicial positions in the UAE, including as prosecutors, marriage officials, and judges.<sup>111</sup> There are currently four Emirati female judges (but none in Shariah courts so far).<sup>112</sup> The first female prosecutor in the family section was appointed in 2007.<sup>113</sup></p> <p>In all types of cases, parties may be represented by lawyers. The Judicial departments in the different Emirates provide the public with an online database of lawyers.<sup>114</sup></p>	<p>personal status cases, and it attempts to resolve cases free of charge before they are referred to trial at the Shariah court of first instance.<sup>116</sup> If the parties fail to reach an amicable agreement, the dispute will be referred to the Sharia court of first instance after the payment of applicable court fees.<sup>117</sup></p> <p>The Personal Status Law instructs judges to interpret the provisions of the law in accordance with the principles of Islamic jurisprudence (<i>fiqh</i>).<sup>118</sup> For matters not explicitly covered in the law, judges have the discretion to apply the rules of Maliki jurisprudence, followed by the rules of Hanbali, Shafi'i, Hanafi jurisprudence, in that order.<sup>119</sup></p>		<p>parties.<sup>125</sup></p>
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<sup>110</sup> Federal Judiciary, UAE Government Portal, Updated 29 March 2022, <https://u.ae/en/about-the-uae/the-uae-government/the-federal-judiciary>.

<sup>111</sup> Women in the UAE, UAE Ministry of Foreign Affairs and International Cooperation, <https://www.mofaic.gov.ae/en/Missions/Paris/The-UAE/Women-in-the-UAE>.

<sup>112</sup> Women in the UAE, UAE Ministry of Foreign Affairs and International Cooperation, <https://www.mofaic.gov.ae/en/Missions/Paris/The-UAE/Women-in-the-UAE>.

<sup>113</sup> “Female Emirati Public Prosecutor Honoured,” 1 September 2015, <https://www.emirates247.com/news/emirates/female-emirati-public-prosecutor-honoured-2015-09-01-1.601929>.

<sup>114</sup> See, e.g., Services, Abu Dhabi Judicial Department, <https://www.adjd.gov.ae/AR/Pages/EServiceDirectory.aspx>.

<sup>116</sup> Federal Judiciary, UAE Government Portal, Updated 29 March 2022, <https://u.ae/en/about-the-uae/the-uae-government/the-federal-judiciary>.

<sup>117</sup> Federal Judiciary, UAE Government Portal, Updated 29 March 2022, <https://u.ae/en/about-the-uae/the-uae-government/the-federal-judiciary>. See, e.g., the Family Guidance Section of the Abu Dhabi Judicial Department, <https://www.adjd.gov.ae/ar/pages/family-guidance.aspx>.

<sup>118</sup> UAE Personal Status Law (2005), as amended, Article 2.

<sup>119</sup> UAE Personal Status Law (2005), as amended, Article 2.

<sup>125</sup> Federal Judiciary, UAE Government Portal, Updated 29 March 2022, <https://u.ae/en/about-the-uae/the-uae-government/the-federal-judiciary>.



	<p>In each of the seven Emirates, Shariah court chambers are divided into courts of first instance and courts of appeal.<sup>120</sup> Judgment of Sharia appeals chambers may, in turn, be appealed to the Court of Cassation of each Emirate, which can vacate Sharia appeals court rulings and decide on the merits of a case.<sup>121</sup></p>		
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<sup>120</sup> Federal Judiciary, UAE Government Portal, Updated 29 March 2022, <https://u.ae/en/about-the-uae/the-uae-government/the-federal-judiciary>.

<sup>121</sup> Federal Judiciary, UAE Government Portal, Updated 29 March 2022, <https://u.ae/en/about-the-uae/the-uae-government/the-federal-judiciary>; Personal Status Law (2005), as amended, Article 13.