

United Arab Emirates

1. Discrimination in the family

a) Overarching legal framework for marriage

The legal system in the United Arab Emirates (UAE) is governed by Islamic (Shari'a) and civil law (Constitution of the United Arab Emirates, Sec. 7; Kirdar, 2010). Matters related to personal status and family issues including marriage, divorce and child custody are subject to Shari'a. This is codified in the UAE Federal Personal Status Act which is based on Islamic law and influenced by the Egyptian code and French civil law (Musawah, 2015). Under this Act, women and men do not have equal rights to enter into marriage and some of its provisions are found discriminatory against women (HRW, 2016). The UAE has ratified the Convention for Elimination of all forms of Discrimination Against Women with a reservation to article 16 on equal rights in marriage and family relations. The provisions of this article are applicable insofar they are consistent with the principles of Shari'a (United Nations Publications, 2009).

The parties to the marriage contract are: a prospective husband and the guardian of the woman (Personal Status Act, Sec. 39). The UAE asserts that a woman is entitled to choose her husband and her approval and signature determine the validity of the contract (Personal Status Act, Sec. 39; FIDH, 2010). However, the institution of male guardianship denies women's right to make autonomous decisions about contracting marriage; it is justified with rational guidance of male relatives required for women who are believed to be more prone to emotional factors (Musawah, 2015). The father of a woman is considered as her guardian; however, if he is deceased or otherwise unavailable, the guardianship is passed to other male relatives (Musawah, 2015). In certain circumstances, the court may also serve as the marriage guardian (Personal Status Act, Sec. 35). In addition, the husband is obliged to offer the dowry, in money or property, for the purpose of marriage. The law does not provide for the minimum limit, the maximum is subject to the Law on Dowries (Personal Status Act, Sec. 49). It becomes the property of the bride and she can freely dispose it (Personal Status Act, Sec. 50).

The law does not allow a Muslim woman to marry a non-Muslim man unless he converts to Islam (Personal Status Act, Sec. 47; Musawah, 2015). Men are only prohibited from marrying women "not of the book", meaning women confessing other faith than Islam, Christianity or Judaism (US State Department, 2016). Moreover, polygamy is legal in the UAE and men have the right to marry up to four wives, provided he is able to financially maintain all spouses and offers equal sustenance and equal treatment (Personal Status Act, Sec. 47; The Official Portal of the UAE Government). It also requires consent of all existing wives (UNICEF, 2011). All marriages need to be registered in a Shari'a court in the UAE under penalty of law (The Official Portal of the UAE Government; International Centre for Missing & Exploited Children, 2013).

Concerned by the increasing number of marriages to non-nationals among Emirati men and marriage delays linked to economic costs of marriages, the State officials have established the Marriage Fund

(Elliott *et al.*, 2007). This is exclusively intended for national men; it seeks to encourage marriages among Emirati citizens and ease the financial burden of marriage to nationals wishing to marry. The marriage grant is conditioned by marrying a native woman from the UAE (Rashad *et al.*, 2005). The Fund provides matrimonial services, organises mass weddings, offers marriage counselling and operates a hotline for nationals seeking help to solve problems in their marriage (The Official Portal of the UAE Government; The United Arab Emirates Yearbook 2005).

The law does not provide for informal/de-facto unions. Marriage is considered as the only legal bond for women and men to form a relationship and a family (The Official Portal of the UAE Government). Unmarried couples are prohibited from living together; also sexual relations and pregnancy outside marriage may be subject to criminal liability (Kirdar, 2010; US State Department, 2013). It applies to both citizens and residents regardless their nationality or confession; however this is not generally enforced against foreigners (The Official Portal of the UAE Government; Kirdar, 2010). Nevertheless, several cases of foreign women being imprisoned and deported due to pregnancy out of wedlock or live-in relationships have been reported (Kirdar, 2010).

b) Child marriage

The legal age of marriage for both women and men is 18 (Personal Status Act, Sec. 30). In exceptional circumstances, persons under this age may marry upon the judge's approval which verifies the person's interests (Personal Status Act, Sec. 30).

Child marriages are often unregistered and continue to occur due to deeply rooted cultural and tribal traditions (Musawah, 2015). However, there have been numerous efforts made to address the issue; preventive programmes and strategies have been implemented to facilitate education and employment for girls and women before they enter into marriage and family life (CEDAW, 2015). For example, the Ministry of Justice has adopted regulations distinctly prohibiting marriage officers to provide marriage licences to underage girls and boys (OHCHR, 2015).

c) Household responsibilities

In the UAE, women and men do not enjoy the same legal rights and decision-making abilities and responsibilities within the household. Men are the legal heads of households and women have the obligation of obedience to their husbands (World Bank, 2013; Personal Status Act, Sec. 56). A husband has the duty to provide maintenance and protection to his wife and children whereas, in return, a wife is responsible for housekeeping and breastfeeding of infant children (International Center for Justice and Human Rights, 2015; Personal Status Act, Sec. 56). In the UAE, women are not legally and culturally expected to cover the cost of living, even if they are wealthy and able to maintain themselves (Kirdar, 2010). However, a woman may lose her right to maintenance due to the failure to obey her husband or the refusal to have sexual contacts with him (Personal Status Act, Sec. 71; International Center for Justice and Human Rights, 2015). A woman may be deemed disobedient when she takes work without her husband's consent (Musawah, 2015). However, men do not lose their rights even if they do not fulfil duties to provide for their families (Musawah, 2015). Married women cannot choose where to live in the same way as married men can (Personal Status Act, Sec. 71, 75).

With regards to parental authority, under Islamic law fathers are considered as the legal guardians of children, while mothers as their physical custodians (Personal Status Act, Sec. 146, 148). The Personal Status Act provides that the mother's custody terminates when her son reaches the age of 11 and the daughter the age of 13; it continues indefinitely if the child is disabled (Personal Status Act, Sec. 156). Thereafter, the court reassesses the custody (Kirdar, 2010). It could be transferred to the father who is traditionally seen as the right person to teach his son about masculinity and other related issues and to have greater control over his daughter's life decisions after a certain age (Musawah, 2015). The mother may also lose the right to custody of young children after reporting domestic violence. There have been cases reported where insufficient evidence and incorrect police investigation led to the deprivation of custody by the court due to the violation of the "best interest of the child" (Musawah, 2015). The father retains the guardianship rights over children and cannot lose them even if he fails to fulfil his responsibilities as legal guardian.

The Emirati civil society institutions have developed and implemented numerous initiatives and programmes to raise awareness on women's rights and their position in the family and in the society (CEDAW, 2014). For instance, the Family Development Foundation has created various programmes regarding motherhood and its significant social role targeting both mothers and fathers. These programmes seek to empower women in the family and in their relationships, enhance and raise awareness on the joint responsibility of parenting, the equal distribution of household responsibilities within the household and gender equality in general. The concept of a healthy and stable family is actively promoted (CEDAW, 2010).

d) Divorce

Under Shari'a, women and men do not have the same rights to initiate divorce nor the same requirements apply to women and men to finalise a divorce. Men have the right to unilaterally dissolve the marriage without producing a reason for divorce (Personal Status Act, Sec. 100). Women in order to divorce must apply for a court order which is exclusively granted on one of the following grounds: physical or moral harm caused to the wife; husband's abandonment for at least three months; the failure by the husband to fulfil his obligation of financially maintaining his wife and children (US State Department, 2016). In addition, women have to bear the burden of evidence (Musawah, 2015). This type of divorce includes a financial settlement (US State Department, 2016). Alternatively, women may request divorce without the burden of evidence but in return of her dowry. This type of divorce (*khula*) has been introduced in the Personal Status Act and was claimed by the State as an evidence of non-discriminatory character of the Act (Musawah, 2015). Women may enjoy the right to unilateral divorce only if the husband gave her complete autonomy of herself (Personal Status Act, Sec. 100).

The law does not provide women with the same right as men to be the legal guardian of their children and they do not have the same rights and responsibilities with regard to their children after divorce. The Islamic law defines the mother as a custodian of the children and the father as their guardian and divorce does not change such distribution of powers (Personal Status Act, Sec. 146, 148). Upon divorce, a woman keeps her rights and responsibilities to physical care and custody over her children based on their age. Moreover, the mother may forfeit her rights to raise children upon remarriage (OECD, 2010). Nonetheless, the best interest of the child remains the guiding principle for the court's decision. The guardianship rights are usually granted to men.

After divorce, the father is obliged to continue to financially support his children (Personal Status Act, Sec. 78). This includes providing shelter, food, medical care, education and other necessities (The Official Portal of the UAE Government). Moreover, he is also responsible to provide for his former wife until she is remarried. However, it is reported that the assigned alimony is often inadequate; men avoid usually the payment, which places women and children in a financially vulnerable situation (Musawah, 2015). The property is divided according to the contribution of each spouse (Kirdar, 2010).

e) Inheritance

The law does not provide equal inheritance rights between sons and daughters. The Shari'a defines the forced heirs and indicates fixed shares (Personal Status Law, Sec. 321). The different shares allocated to women and men are not imposed by gender but due to the application of the following criteria: closeness of the relationship between inheritors; generational position of the beneficiary; financial burden and responsibilities of the male inheritor towards others (CEDAW, 2009). The latter differentiates between women and men but it considers their duties and responsibilities within the family. Under Shari'a, women are not expected to financially support the family nor cover its expenses, the financial burden lies on the men (Emery, 2013). In the case when female and male are equal with respect to the criteria of closeness and generation (for instance: brother and sister), the inheritance is divided according to their financial responsibilities. The male inheritor is not only obliged to support his wife and family but also his sister and her children (CEDAW, 2009). It serves as the justification for unequal shares between female and male siblings. Subsequently, when inheritors are in the same relationship to the deceased, the man inherits twice as much as the woman (US State Department, 2016). Widows do not enjoy the same inheritance rights as widowers (Personal Status Act, Sec. 323, 324).

The Government of the UAE has made reservation on the Art. 2 (f) of the CEDAW on the obligation to modify or abolish discriminatory laws, regulations, customs and practices, arguing its provisions violates the Islamic rules on inheritance (Freeman *et al.*, 2012).

2. Restricted Physical integrity

a) Violence against women

In the UAE, there is no law specifically addressing violence against women; this is mainly covered by the provisions of the Penal Code. The constitutional provisions considered as gender-related highlight that any person should be subjected to degrading treatment or slavery (Constitution of the UAE, Sec 26, 34; UN Women, Global Database on Violence against Women).

The main focus is placed on one of the forms of violence, i.e. human trafficking. The anti-trafficking legislation has been enacted and its increasing enforcement has been noted (US State Department, 2017; The National Report of the UAE on Beijing +20). The implementation of laws is coordinated by the UAE National Committee to combat Human Trafficking in collaboration with police and judicial institutions. Moreover, the State has introduced a special system to control immigration and passport issues. In 2012, the UAE Government has launched a national strategy targeting victims and survivors,

witnesses, staff, and government authorities. This strategy provides for the prevention, prosecution, punishment, protection of survivors and the promotion of international cooperation (US State Department, 2017; The National Report of the UAE on Beijing +20).

b) Domestic violence

In the UAE, there is no specific regulation addressing domestic violence. The Penal Code states the penalty of imprisonment and a fine if the physical assault results in illness or disability to attend to personal activities for a period exceeding 20 days (Penal Code, Sec. 339). A less serious offence (under prescribed 20 days) is punishable by detention for a term not exceeding one year and to a fine. The aggravated form occurs if the assault is perpetrated on a pregnant woman resulting in abortion. Although general provisions of criminal law might be applied in the case of domestic violence, the Penal Code and Personal Status Act concurrently allow men to discipline their wives and children at their discretion (Penal Code, Sec. 53). This could take the form of economic (withholding maintenance) or physical violence (Chaudhry, 2015).

The law lacks protective measures and does not clearly state the responsibility of public authorities in responding to domestic violence cases (International Center for Justice and Human Rights, 2015). Women rarely report incidents of domestic violence due to various social, cultural, economic grounds and because of reluctance towards police officers. Police officers are unlikely get involved in private affairs often refusing to intervene and provide appropriate security (FIDH, 2010). Human Rights Watch has reported such cases where police discouraged and failed to properly investigate complaints of three UK nationals who were UAE residents (HRW, 2015). In result, the Government works to reinforce the role of the police in social work (UN Women, Global Database on Violence against Women, n.a.).

There is no specific National Action Plan addressing domestic violence. However, the Government of the UAE in collaboration with civil society organisations seek to raise awareness on domestic violence (US State Department, 2016). The State partially provides integrated services to domestic violence survivors. Survivors may file complaint with special police units operating in major public hospitals; with the assistance of social workers and counsellors, usually female (US State Department, 2016). There are also mediation services provided at police stations (Finley, 2013). In several emirates, domestic abuse centres operate. In addition, legal assistance to survivors of abuse is provided by Departments for the Protection of Human Rights established in Dubai and Abu Dhabi (UNICEF, 2011). There is also the government-funded Dubai Foundation for Women and Children founded with a focus on domestic violence and human trafficking. The Foundation manages a shelter for victims of domestic violence offering psychosocial support; trainings; education; medical and legal services, leisure facilities and assistance in seeking employment (Dubai Foundation For Women and Children, 2012). It is also actively engaged in increasing awareness on domestic violence in the society using social media platforms, TV and radio auditions (US State Department, 2016). Moreover, the Foundation runs a crisis helpline; it is free and operates on a 24-hour basis. It is noted that the reporting rate of domestic violence in the UAE is increasing but the number of convictions remains unknown (Shalaby, 2016).

c) Rape

The Penal Code of the UAE recognises rape as a serious criminal offence punishable by death penalty (Penal Code, Sec. 354). It is defined as using coercion in having sexual intercourse with a female or

sodomy with a male. The maximum sentence is imposed in the event of death of the victim (Penal Code, Sec. 357). Attempted rape is sanctioned by life imprisonment (Penal Code, Sec. 355). Marital rape is not addressed by the provisions of the law; however, women have the right to file a regular complaint.

Although, the offence of rape is criminalised and carries the most severe penalties, women are reluctant to report such crimes to avoid the risk of being prosecuted for the crime of *zinah* (unlawful sexual intercourse), facing social ostracism or bringing shame on their families. The crime of illicit sexual relation may be punished not only by imprisonment but also flogging and death by stoning (International Center for Justice and Human Rights, 2015). Instead of receiving assistance from public institutions such as the police, prosecutors and the courts, women face the assessment of the credibility considering her moral behaviour (Abadeer, 2015; HRW, 2015). This may include enquiries by public officials on the victim's consumption of alcohol; the nature of an eventual relationship with the perpetrator or if she sufficiently resisted against the attacker (HRW, 2015). There have been several cases reported of women who were accused and convicted for having extramarital sexual relations; including women of foreign nationality (HRW, 2015; HRC, 2015). In this regard, female migrant domestic workers are particularly vulnerable; due to the fear of losing their residency status and of being deported, incidents of rape remain underreported among this group (FIDH, 2010; Abadeer, 2015). The high burden of proof for a rape case affects the low conviction rate (Abadeer, 2015). The victims of rape face social stigma that affects their families. In the UAE, the honour of the family is considered to be based on the good reputation of women in the society. Rape survivors are often found immoral and suffer from damaged reputation and limited marriage opportunities (Abadeer, 2015; HRW, 2015).

There are no national action plans nor policies addressing sexual violence. Professionals who may deal with cases of rape are not provided with guidelines or protocols to follow; there is a need of specialised training on women's rights for prosecutors, judges and lawyers (HRC, 2015). The UAE government partially provides services for survivors of sexual violence (WHO, 2014). It has established social centres dedicated to the protection of women (The National Report of the UAE on Beijing +20). The centres offer temporary shelters and psychological, social and vocational support (CEDAW, 2015; The National Report of the UAE on Beijing +20). In addition, there are shelters provided by the Dubai Foundation for Women and Children.

d) Sexual harassment

The legal framework in the UAE does not provide legal protection from sexual harassment, the Penal Code refers to "indecent act" which is very broad and cannot be qualified as sexual harassment as such. The Penal Code penalises persons who flagrantly commit an indecent act with a minimum of six months in prison (Penal Code, Art. 358). The penalty is increased to a minimum of one year if the victim is under the age of 15. Individuals who "molests a female in an indecent way by words or acts in a public road or in a frequented place" is liable to imprisonment of a maximum period of one year and/or a fine (Penal Code, Sec. 359). There are criminal penalties prescribed, however, the victim cannot seek civil remedies. The scope of the applicable legal provisions is limited to public places and the workplace.

Sexual harassment in the workplace remains a challenge; the concept of confronting such cases is still unusual in the UAE (Ilkkaracan, 2016). It is mainly covered by the provisions of the Penal Code as the Federal Law on the Regulation of Labour Relations on preventing and addressing sexual harassment in the workplace. The ILO notes that the current legal framework does not correspond with a peculiar character of sexual harassment in the workplace, indicating its wide range and subtle forms of behaviour (ILO, 2016; ILO, 2012). The protection is limited to the right of an employee who has been assaulted or harassed to terminate an employment contract without statutory notice and to be paid dismissal compensation (ILO, 2017). In addition, the person is entitled to submit a “duly admissible complaint” (ILO, 2016). In the public sector, the Code of Ethics and Professional Conduct does not refer to sexual harassment (ILO, 2016).

e) Female genital mutilation

In the UAE, female genital mutilation (FGM) is not considered as a criminal offence; however the Ministry of Health has issued a ban on performing FGM in state hospitals and clinics (OECD, 2014a). The practice is not commonplace in the UAE and primarily concerns foreign residents (Kirdar, 2010; US State Department, 2016). FGM continues to be performed in private clinics and in rural areas in some emirates (UN Women – European Union Spring Forward for Women Programme, 2015).

f) Abortion

In the UAE, abortion is illegal unless it is necessary to preserve the mental and physical health of the mother or to save her life (Federal Law concerning the Practice of Human Medicine Profession, Sec. 22; UN DESA, 2014). It is also permitted when there is evidence that the foetus has serious fatal defects that will cause its death (UN DESA, 2014).

The Penal Code provides for criminal liability of a pregnant woman and person performing an illegal abortion. A woman found to have aborted is liable to the imprisonment of a maximum period of one year and/or a fine (Penal Code, Sec. 340). Performing an abortion with the mother’s consent is punishable to imprisonment for a minimum period of two years or a fine. The penalty is increased to seven years of imprisonment if the abortion is carried out without the mother’s consent. The attempts may be sanctioned to half of the penalties prescribed. Women seeking hospital treatment for a miscarriage may be held liable for attempted abortion, especially if there is a suspicion of a pregnancy out of wedlock (HRW, 2015).

The Federal Act permits the abortion in case the continuity of the pregnancy endangers the woman’s life (Federal Law concerning the Practice of Human Medicine Profession, Sec. 22). In this case, abortion must be performed by a gynaecologist with the approval of another specialized physician; the written consent of woman’s husband or guardian is required. The Act also provides for criminal responsibility of a physician who intentionally carries out abortion in a harmful manner; this is punishable to four years of imprisonment (Federal Law concerning the Practice of Human Medicine Profession, Sec. 29). In the event of death of a woman, the penalty is increased to not less than five years and not exceeding ten years of imprisonment. Additionally, the licence of practicing the profession may be withdrawn

and the physician's name may be cancelled from the register (Federal Law concerning the Practice of Human Medicine Profession, Sec. 29).

The UAE government provides its citizens free healthcare including sexual and reproductive health services for female nationals, such as, access to contraception, obstetric and gynaecologic services as well as prenatal and maternity care (US State Department, 2016). However, support to family planning measures is limited and women may be restricted to making independent decisions with regards to their reproductive health (UNFPA, 2012; Freedom House, 2005). It is reported that there is a need to raise awareness regarding various forms of contraceptives among women in the UAE (Kanwal *et al.*, 2017).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

In the UAE, unmarried and married women have the same rights as men to own, use, make decisions over land and non-land assets and use as collateral. At the age of 18, women are considered as adults and exercise full rights to the property; they have independent access to land and non-land assets (Personal Status Act, Sec. 62; OECD, 2010). The Constitution provides for protection of private property (Constitution of the UAE, Sec. 21).

Regarding marital property, the law does not recognise the regime of joint property arising through marriage (Personal Status Act, Sec. 55; Kirdar, 2010). Spouses live in the separation of property and enjoy independent financial title; they keep their right to the property and manage its independently. In case, both husband and wife financially contribute to an acquisition of a property, this is considered as jointly owned (Kirdar, 2010). Upon divorce, the property is divided accordingly to the contribution of each spouse.

In practice, it is not widely accepted for woman to own property, nor live on her own; fathers or brothers can claim the property of unmarried women (Kirdar, 2010; OECD, 2010).

b) Secure access to formal financial resources

There is no restriction located to suggest that women and men do not have equal access to formal financial resources. Married and unmarried women have the same rights as men to open a bank account at formal institutions or obtain credit, women do not need permission of their husbands/guardians in their financial dealings (CEDAW, 2008). Some banking institutions have created female offices where both clients and staff are exclusively women (OECD, 2010). In addition, there are several initiatives undertaken to enhance economic empowerment of women.

The UAE Government substantially promotes Small and Medium Size Enterprises through numerous support programmes (Shahnawaz, 2015). The Ministry of Labour in collaboration with local authorities facilitates women's participation by relieving them from certain fees and bank guarantee requirements (CEDAW, 2014). There are also education and capacity-building programmes, trainings, special loans and financing funds offered (CEDAW, 2014). Moreover, under the auspices of the

Federation of UAE Chambers of Commerce and Industry, there is the Emirates Businesswomen Council serving as a nationwide network of business, professional and academic women (Ministry of State for Federal National Council Affairs, n.a.). The local branches of the EBWC in Dubai, Abu Dhabi and Sharjah are providing support and assistance to female entrepreneurs (Shahnawaz, 2015). The Dubai Business Women's Council is found among the most active association in the UAE, it organises the monthly events to provide information on the most recent trends, knowledge and practices useful for female entrepreneurs (OECD, 2014b). Outstanding female entrepreneurs are granted with the state-funded Emirates Business Women Award (OECD, 2012).

Despite the increasing popularity of entrepreneurship among women, they still experience some traditional, religious, social and cultural challenges that hinder their abilities to engage in business activity. Women are still seen as persons less suitable and incapable to carry managerial responsibilities; they lack the self-confidence, experience and management skills. The burden of family responsibilities restrains women from dedicating their time and putting efforts in growing and running businesses (Shahnawaz, 2015).

c) Workplace rights

The UAE has ratified ILO Conventions C100 and C111, whereas it is not a party of Conventions C156, C183 and C189.

The law does not mandate non-discrimination on the basis of sex in employment in the UAE. The Anti-Discrimination Law provides for criminal offences against discrimination and hatred what may be potentially applied in employment (L&E Global, 2017). Nonetheless, the Act does not refer to gender as one of the grounds for discrimination. The discrimination on the ground of sex is prohibited in the Dubai International Financial Centre and Abu Dhabi Global Market. These are special zones in which federal commercial and civil law are not applicable; employees working there are subject to separate legislation (L&E Global, 2017).

At the federal level, the principle of equal pay for work of equal value has been introduced (Labour Law, Sec. 32). In this regard, the Ministry of Labour has created the Wage Protection Office, which is responsible for monitoring protection of wages and work hours and for reviewing complaints (CEDAW, 2014). Women are excluded from entering certain professions that are "hazardous, arduous or physically or morally detrimental" (Labour Law, Sec. 29). The Ministerial Resolution defines such professions prohibiting women to be employed in mining, in many types of manufactures, managing or monitoring driving machinery or working at bars among others (Ministerial Resolution No. 6/1 for 1981 on defining work that is hazardous, tiresome, or harmful to health or morals, and where women should not be employed therein, Art. 1). The law also does not allow women to work the same night hours as men (Labour Law, Sec. 27). Women are also restricted from working without the consent of her husband or male guardian (Personal Status Act, Sec. 72; FIDH, 2010). Women are free to register their business; however, some municipalities require signature of a male guardian in order to apply for a license (Kirdar, 2010).

The law mandates maternity leave of 45 days (Labour Law, Sec. 30). It is fully paid and covered by the employer providing that woman has completed at least one year of continuous service with her

employer. Otherwise, the maternity leave is half pay (Labour Law, Sec. 30). In the event of illness arising out of pregnancy or delivery, woman may be absent from work without pay for a maximum period of 100 consecutive or non-consecutive days; the medical certificate is required (Labour Law, Sec. 30). In addition, following the mother's return to work, she is entitled to nursing breaks during 18 months after delivery (Labour Law, Sec. 31). The law protects women's employment security when they are on maternity leave; employers are prohibited from dismissing an employee on the basis of pregnancy (The United Arab Emirates Yearbook 2013). Neither paternity nor parental leave are mandated under Emirati law.

In the UAE, women participation in the workforce and active contribution to the country's government and economy are acknowledged (Ministry of State for Federal National Council Affairs, n.a.). They are greatly represented in the public sector and there is an increasing number of women in the private sector. The employment in the government sector attracts women with higher salary, shorter working hours than in private companies and greater security of employment (The United Arab Emirates Yearbook 2013; Abdulla and Ridge, 2011). The Government actively supports women in the public sphere. The Federal Authority for Government Human Resources has established the Committee for Women Working in the Federal Government that is responsible for monitoring women's needs working there, raising institutional awareness and supporting and promoting creation of such committees in other government authorities and institutions (CEDAW, 2014). In addition, the childcare facilities are provided (CEDAW, 2014). The policies on part time work and flexible working arrangements have been adopted (ILO, 2016). Moreover, the UAE Government has ruled that state corporations and government agencies are obliged to include women on their boards of directors (The United Arab Emirates Yearbook 2013). The social welfare benefits offered to women in private sector may be extended with regard to a length of maternity leave; time off during working hours to attend the medical appointment for pregnant women; equal maternity leave after the adoption of a child (Latham&Watking LLP, n.a; L&E Global, 2017).

The representation of women in the private sector, although growing, remains a challenge. The success of enrolment of women in education has not resulted in reduce of the disparity between male and female representation in paid employment (Abdulla and Ridge, 2011). The key decision-making positions are dominated by men; women hardly access leadership and high-paid jobs (Abdulla and Ridge, 2011)

There are several factors that contribute to the low employment participation rate of women in the UAE. The family is the basis of society and plays a central role in individual's life (Constitution of the UAE, Art. 15). The family interest supersedes personal interest and shapes attitudes and choices (Abdulla and Ridge, 2011). In this regard, women's right to freely and meaningfully choose their occupation is limited (FIDH, 2010). It is found challenging to reconcile work and family responsibilities (ILO, 2016). There is also the "code of modesty" which separates men and women in the quest to guard family honour; it locates women in female work environments (Abdulla and Ridge, 2011). Other obstacles identified are the following: limits on female employees in some companies; geographical immobility; inappropriate or undesirable character of certain professions (Shallal, 2011).

4. Restricted Civil liberties

a) Citizenship rights

The Constitution of the UAE affirms the principle of the equality before the law without distinction among the citizens of the UAE with regard to race, nationality, faith or social status (Constitution of the UAE, Sec. 25). This important legislation does not include any reference to gender. Neither the Anti-Discrimination Act mentions sex as a ground for discrimination; it criminalises all forms of discrimination on the basis of religion, ethnic identity, caste, doctrine, race or colour (Global Legal Monitor, 2015). Both the Constitution and other national laws omit the prohibition on gender-based discrimination and weaken protection for women.

The law provides married and unmarried women with the same rights as men to acquire nationality by law, by citizenship and by naturalisation. The law does not provide for man retaining the nationality, all regulations concern woman. She does not lose the Emirati citizenship automatically after entering into marriage with a man of foreign nationality (Federal Law Concerning Nationality, Passports, Sec. 14). However, any person loses the Emirati nationality upon a voluntary acquisition of nationality of a foreign country (Federal Law Concerning Nationality, Passports, Sec. 15). A woman married to a foreigner and who acquired the nationality of her husband may regain the Emirati citizenship if her husband dies, or has deserted or divorced her, on condition that she renounces the acquired nationality (Federal Law Concerning Nationality, Passports, Sec. 17). Women and men do not have equal rights to confer the nationality to their spouses. The woman of foreign nationality married to an Emirati man is not entitled to acquire his nationality unless she informs the Ministry of Interior of her wish to become the citizen of the UAE not earlier than three years after contracting a marriage. In addition, she must revoke her original nationality. In contrast, in all cases, a foreign man cannot acquire the Emirati nationality by virtue of a marriage. Children acquire citizenship from their father in the first place; if he is substantiated, unknown or without nationality, the mother confers the nationality to children (Federal Law Concerning Nationality, Passports, Sec. 2).

Female citizens married to foreigners cannot confer the Emirati citizenship at birth; it requires submitting an application to the government committee, which reviews and gives decision, once the child reaches the age of 18 (US State Department, 2016). Both parents are entitled to obtain a birth certificate for their child. However, hospitals may not issue certificates to unmarried parents (US State Department, 2016). The UAE authorities may require a marriage certificate and challenge its date against the date of birth (HRW, 2015). It particularly affects migrant women having children out of wedlock; without a certificate they may be deprived of their children or unable to travel outside the country with them. The UAE has reserved the right to implement article 9 of the CEDAW Convention on the right to nationality (United Nations Publications, 2009).

It is mandatory for all citizens and legal residents to obtain the national identity card; this applies to married and unmarried women and men and they have equal rights to apply for identity cards (Federal Decree-Law No. (9) of 2006 regarding the Population Register System and Emirates ID Card, Sec. 4; Executive Statute for Law No. 9 of 2006, Sec. 7). The requirements for application may vary depending

on the status of an applicant (UAE nationals with/without social welfare certificate; nationals of countries of the Cooperation Council for the Arab States of the Gulf; expatriates). The State also provides e-services and an application may be submitted online. The law also provides women with the same rights as men to apply for a passport (Federal Law Concerning Nationality, Passports, Sec. 22). Ordinary passports are issued upon application. However, instead of obtaining a personal passport, married woman may be included in the passport of her husband if she is accompanying him (Federal Law Concerning Nationality, Passports, Sec. 36). The same applies for children under age of 18. Women's rights are also restricted with regard to the freedom of movement. Although the Constitution guarantees the freedom of movement, travel bans imposed on wives and children are still prevalent (Constitution of the United Arab Emirates, Art. 29; UNICEF, 2011). In addition, women who leave their husbands can be ordered to return to the marital home under Article 71 of the Personal Status Act.

b) Voting

There are no democratic general elections in the UAE (US State Department, 2016). The voting process is limited to the election of 20 out of 40 members of the Federal National Council. They are indirectly elected by the Electoral Collage. The requirements for the membership of the Electoral Collage are: citizenship of the UAE and the minimum age of 25 (IPU PARLINE Database). An appointed electorate represents approximately one fifth of the total population of the UAE (US State Department, 2016). The provisions are not discriminatory against women; however, women are the minority in the Electoral Collage (Ulrichsen, 2016). Since the UAE is not an electoral democracy, both women and men have very limited political rights in general (Freedom House, 2016).

c) Political voice

Women and men in the UAE have equal rights to hold public and political offices in legislature and executive. Holding a public office is opened to all citizens on the basis of equal conditions (Constitution of United Arab Emirates, Sec. 35). The eligibility to be a member of the Federal National Council do not difference between women and men; a candidate shall be a member of the Electoral Collage, be a citizen of UAE of a minimum age of 25, shall have good reputation and adequate knowledge of reading and writing (Constitution of United Arab Emirates, Sec. 70). The law does not provide any restrictions for women to hold executive offices. There is an increasing number of women in the Federal Council of Ministers (Ministry of State for Federal National Council Affairs, n.a.). In judiciary, women have equal access to the office in the first instance courts but they are prohibited from becoming federal judges (HRC, 2015).

Emirati citizens do not have the right to form political parties; their existence is prohibited. The candidates run for the office as independents (IPU PARLINE Database). Therefore, the legal quotas and any other special measures are not applicable.

The negative culturally based attitudes towards political participation of women are still persistent in the UAE; there are numerous political, social and cultural factors that affect women's political activity (Dubai Women Establishment, 2012). Moreover, lack of the experience in public affairs and politics undermines women's chances to be elected. In response, the Government prioritised the political empowerment of women and undertakes a number of measures (US State Department, 2016). The

National Strategy for the Advancement of Women in the UAE for years 2015-2021 has been adopted. It seeks to enhance the position of women in the society and the active participation in politics among others. In addition, the engagement of women in decision-making processes is recognised as an essential element in supporting sustainable development of the country (The National Report of the UAE on Beijing +20). There are numerous awareness raising activities and initiatives targeting both women and the society in general. The UAE's national institutions, such as: the University of the Emirates, the Ministry of Education, the Federal National Council in collaboration with women's organisation organise joint activities (CEDAW, 2014). The Government aspires to provide a wide range of capacity-building programmes and trainings for women (CEDAW, 2014). Moreover, there is the General Women's Union operating in the UAE, established in 1975 under leadership of the wife of the then president of the UAE. It seeks to create opportunities for women and plays an important role in women's affairs both at national and international level (Dubai Women Establishment, 2012; Al Abed et al., 2005).

d) Access to justice

The judicial system of the UAE comprises Shari'a (Islamic law) courts that have and exercise jurisdiction in cases related to personal status, family and criminal issues, and secular courts, which cover civil law (Freedom House, 2016). Islamic Shari'a is enshrined in the Constitution as a main source of legislation in the UAE (Constitution of the UAE, Art. 7). The Shari'a courts may impose flogging sentence for adultery; prostitution, premarital physical contacts, pregnancy out of wedlock, drug and alcohol abuse, although rare cases of such punishment have been reported (US State Department, 2016). There are no restrictions found to suggest that women have unequal capacity to sue and to be sued. However, woman may seek legal counsel and representation without her guardian only when she reaches the age of 18 (Kirdar, 2011). A woman's testimony carries the same evidentiary weight in courts as a man's in civil and family cases, but in criminal matters is equal to only half of a man's testimony (Kirdar, 2011).

The Constitution provides for equality before the law among Emirati citizens but does not refer to gender equality (Constitution of the UAE, Art. 25). There are no provisions guaranteeing equal access to justice and institutional gender discrimination is still prevalent in the justice system (HRC, 2015). Women are discouraged from seeking legal protection as they often face obstacles and negative attitudes when reporting incidents and filling complaints with the police or standing before the courts (HRC, 2015). The family matters are usually resolved in private without judicial authorities (Kirdar, 2011). Women accused of crimes are often allowed by police officers to pay a penalty instead of having her case reviewed on appeal; it serves to avoid bringing shame on family name (Kirdar, 2011).

Neither legal aid nor pro bono services are well established in the UAE; the practice of providing such services lacks political and social support, also within the legal community (Latham & Watkins LLP, 2012). The state legal aid programme is available to defendants in certain criminal cases but does not offer services for people involved in civil matters. The free legal representation is provided in any case punishable to death or life imprisonment, regardless of financial needs, immigration background or case merit; in other cases free legal aid is offered only to indigent applicants (Latham & Watkins LLP, 2012; Child Rights International Network, 2015). Nevertheless, some emirates have introduced free legal aid system in their respective judicial departments. In Abu Dhabi free legal assistance services

are provided to indigent persons, including for non-criminal cases (HRC, 2015). The similar programme is offered in Dubai but limited to an initial consultation with a lawyer (Latham & Watkins LLP).

The services oriented on women are offered by the Supreme Council of Women. It provides legal assistance for women, including support in formulating complaints or before courts during trials related to family and personal status (OECD, 2014a). In addition, legal counselling is offered by the General Women's Union but the service is rarely used due to shame, fear of confidentiality or lack of awareness about the existing service (Kirdar, 2011). Moreover, the organisation does not deal with topics related to domestic and public violence against women, discrimination, or other controversial issues that affect women (Kirdar, 2011).

There is an informal segregation of women in the UAE basing on their standing in the society that significantly influences the ability to exercise rights, seek legal redress and access justice through courts (Kirdar, 2011). There are several categories such as: UAE nationals; foreign employees temporarily residing on an employment contract; women engaged in informal sector including domestic workers and the wives of male temporary workers (Kirdar, 2011). The situation of female migrant domestic workers is particularly vulnerable; they are often uninformed of the legal system, available protection and procedures and lack confidence in the justice system (HRC, 2015). Therefore they cannot equally access justice and gain redress. The State makes efforts to reach out to migrant workers. These include: providing information about the rights in several languages; offering free legal and mediation services; assisting in judicial proceedings (HRC, 2015; Latham & Watkins LLP, 2012; CEDAW, 2015). The migrant workers are also entitled to submit complaints to the Ministry of Labour and the Ministry of Interior (Latham & Watkins LLP, 2012).

The Ministry of Interior has created various organizational units such as: the Human Rights Department and the Committee; Office to promote respect for the culture of law; Office of the Inspector General that are responsible to safeguard the rights and freedoms guaranteed in the UAE. This includes among others: monitoring of issues related to human rights, including needs of vulnerable groups as women or children; conducting education and public awareness on human rights; and reviewing complaints received from the members of public (CEDAW, 2015). The Constitution grants all persons the right to file a complaint with a competent authority against the violation of the rights and freedoms (Constitution of the UAE, Art. 41). The Ministry of Interior receives complaints via its website; toll-free numbers and hotlines; security switchboard; emergency SMS text messaging service among others (CEDAW, 2015).

The Justice Needs and Satisfaction Survey has been conducted in the UAE in partnership with the Hague Institute for the Internationalisation of Law; it has identified the most pressing justice problems that both nationals and residents of the UAE face (HiiL, 2016). Recently, the Ministry of Justice has launched the Strategic Plan for 2017-2021. Its strategic goals include: development of the legislation that meets legal needs of the community; promoting a specialised justice system, establishment of an advanced penal system that guarantees the security of the society and improvement of the protection of individual rights and public access to justice.

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