

UNITED ARAB EMIRATES

Women's ability to exercise their rights depends to a large degree on her legal status in the UAE.¹ Large portions of the female population are comprised of foreign professional women residing temporarily on employment contracts, foreign women employed in the informal sector or as domestic workers (who are particularly vulnerable), or the wives of temporary foreign workers.²

The Constitution of the United Arab Emirates (UAE) upholds the principle of equal treatment of all citizens, but does not specifically address gender-based discrimination and contains references that primarily identify women as wives and mothers.³ As such, the Constitution, as well as other laws, tends to reinforce traditional gender roles, rather than promoting equality between women and men in the UAE.⁴ The UAE ratified the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2004 but has reserved the right to implement Articles 2(6) (inheritance), 9 (discrimination in granting nationality to children), 15(2) (testimony and right to conclude contracts), 16 (discrimination in marriage and family relations), and 29(1) (jurisdiction) in a manner compatible with Sharia.⁵ It has not yet ratified the Optional Protocol.⁶

1. Discriminatory family code

United Arab Emirates (UAE) laws are based on Islamic law and influenced by Egyptian code and French civil law.⁷ Sharia law governs the Personal Status Law, adopted in 2005, which regulates matters such as marriage, divorce, and child custody. It should be noted that there exists a large expatriate population in the UAE, primarily from South Asia; approximately 20% of the population are actual citizens and thus fully protected by the Federation's laws.⁸ Sharia rules on marriage apply only to marriages between Muslims, or between a Muslim man and a Jewish or Christian woman.⁹ The codification of personal status law in the UAE was seen as advancing Emirati women's rights, as it ensures greater personal freedom in regard to marriage, and also means that decisions relating to personal status are no longer determined by the interpretation of Sharia law by individual judges.¹⁰ However, it is not clear whether this is standardised across the seven states.

¹ Kirdar (2010) p.518

² Idem

³ FIDH (2010) p.4

⁴ Idem, p.519

⁵ United Nations Treaty Collection (2014); UNICEF (2011) p.1

⁶ United Nations Treaty Collection (2014)

⁷ Kirdar (2010) p.518; UNICEF (2011) p.1

⁸ Amnesty International (2010); Kirdar (2010) p.517; Reuters (2013)

⁹ Kirdar (2010) p.518

¹⁰ Idem, pp.522-523

The minimum **legal age of marriage** is 18 for girls and boys.¹¹ According to data held by the UN, in 2005, 6.8% of girls age 15-19 were married, divorced or widowed.¹² With regards to **early marriage**, recent studies suggest that Emirati are waiting longer to wed; while the average age at marriage in 1995 was 23.7, this figure rose to 25.9 in 2012 according to the Abu Dhabi Statistics Centre.¹³ To marry for the first time, women must have permission from their male guardian, and the marriage contract is concluded between the guardian and the husband.¹⁴ That said the contract is not legally binding until the wife has also signed it.¹⁵ Muslim men can freely choose their spouse, but Muslim women are prohibited from marrying non-Muslim men unless they convert.¹⁶ Sex outside of marriage is illegal; where such cases are discovered, punishments meted out to women are harsher than those meted out to men, as are punishments meted out to non-UAE citizens.¹⁷

The 2005 Personal Status Law includes a provision at article 56 stating that a husband has the right to obedience from his wife 'in accordance with custom';¹⁸ husbands are considered to be head of the household.¹⁹ With regards to **parental authority**, Sharia law views fathers as the legal guardians of children, while mothers are considered their physical custodians.²⁰ In the event of **divorce**, under the Personal Status Law mothers are granted physical custody of daughters until they reach the age of 13 and of sons until they reach the age of ten, at which point the custody is transferred to the father or his family.²¹ Women who choose to remarry do so at the cost of forfeiting their custody rights.²²

Sharia law provides for detailed and complex calculations of **inheritance** shares. Women may inherit from their fathers, mothers, husbands or children and, under certain conditions, from other family members. However, their share is generally smaller than that to which men are entitled. A daughter, for example, inherits half as much as a son.²³ Widows often receive nothing unless they have minor children to care for.²⁴

More

Polygamy is legal and men may marry up to four wives, providing they obtain permission from their existing wife/wives, and are able to financially support all of them.²⁵

Men have the right to unilaterally **divorce** (repudiate) their wives.²⁶ Women who wish to divorce have two options: they can petition for a divorce on the basis of one of a very narrow range of reasons (e.g. they can prove physical harm, they have been abandoned for at least 3 months, or he has neglected his financial obligations to her or her children), or request a '*khula*' divorce and forfeit their dowry.²⁷ Dowry is legally limited

¹¹ UNICEF (2011) p.1

¹² United Nations (2013) World Marriage Data

¹³ The National (2013)

¹⁴ Kirdar (2010) p.524; Unicef (2011) p.1

¹⁵ Idem; Idem

¹⁶ Kirdar (2010) p.524

¹⁷ Idem, p.521

¹⁸ Kirdar (2010) pp.523-524

¹⁹ World Bank (2013)

²⁰ Emery (2013) p.1234

²¹ Emery (2013) p.1234; Kirdar (2010) p.524; UNICEF (2011) p.2

²² Emery (2013) p.1234; Kirdar (2010) p.525

²³ Idem

²⁴ Idem; UNICEF (2011) p.2

²⁵ Emery (2013) p.1234; UNICEF (2011) p.1

²⁶ Emery (2013) p.1234; Kirdar (2010) p.524; UNICEF (2011) p.2

²⁷ Emery (2013) p.1234; Kirdar (2010) p.519; UNICEF (2011) p.2

to approximately \$13,700, but some grooms reportedly ignore the maximum, making it even more difficult to repay dowry in the case of a female-initiated divorce.²⁸

The adolescent fertility rate in the UAE is 34.2 births per 1,000 women age 15-19.²⁹

2. Restricted physical integrity

There is no specific law criminalising **domestic violence**, nor is the latter criminalised in other legislation. On the contrary, the existing Penal Code gives male guardians the right to discipline women and children at their discretion, including the use of physical violence.³⁰ Occasionally, domestic abuse cases are filed as assault without the intent to kill, carrying a sentence of up to 10 years in prison, but more often cases do not make it to court, and those that do have a low conviction rate. There are no reliable figures as to the numbers of women affected by domestic violence. Police are usually reluctant to intervene in cases of domestic violence, or may try and reconcile the couple and encourage the woman to return home.³¹ In addition, women are generally discouraged from seeking legal protection whatever the issue, as doing so involves ‘recourse to the male-dominated public sphere’.³² As of 2012, three of the emirates had operating domestic abuse centres.³³

Rape is a criminal offence, punishable by the death penalty, if the crime resulted in the death of the victim. Otherwise, perpetrators may be punished with jail time, from several years up to life.³⁴ However, the law does not recognise the concept of spousal rape.³⁵ Women rarely report their abusers because of shame and fear of social stigma, and also because they are liable to be prosecuted for engaging in illicit sex or, in the case of expatriate women, fear that the complaint could jeopardise their residency status.³⁶ Women risk being imprisoned themselves after reporting to the police that they had been raped.³⁷

There is no specific law addressing **sexual harassment** in the UAE. However, the Penal Code does penalize those who commit “scandalous and disgraceful acts” with a minimum of 6 months to 1 year in prison (Art. 358). Individuals who “attempt to disgrace a female by words or by deeds in a public street or frequented place” (Art. 359) can be punished with a prison sentence of up to one year and a fine of up to 10,000 dirhams.³⁸ Pictures of men caught harassing women in public are printed in local newspapers, in order to bring shame on the perpetrator’s family.³⁹ Although harassment is reported to be widespread, the law is not consistently enforced, nor is there data on prevalence.⁴⁰

Female Genital Mutilation (FGM) is not illegal in the UAE, although the Ministry of Health prohibits the practice in state hospitals and clinics.⁴¹ Nevertheless, FGM continues to be carried out in private clinics and in rural areas

²⁸ Emery (2013) p.1234

²⁹ United Nations Adolescent Birth Rate (2013), data from 2009

³⁰ UNICEF (2011) p.2

³¹ Kirdar (2010) p.526

³² Idem, p.520

³³ The National (2013b)

³⁴ UNICEF (2011) p.2; Kirdar (2010) p.526

³⁵ UNICEF (2011) p.2; US Department of State (2012)

³⁶ Amnesty International (2010) p.339

³⁷ Kirdar (2010) p.526; CNN (2013); The World Post (2013); Breitbart (2014)

³⁸ US Department of State (2012); UAE, Penal Code (Arts. 358 and 359)

³⁹ Kirdar (2010) p.526

⁴⁰ Idem; US Department of State (2012)

⁴¹ US Department of State (2012)

in some emirates; it is believed to be practised primarily by Somali, Omani and Sudanese expatriates living in UAE.⁴² Little information is available as to prevalence rates, although a survey conducted at the Dubai Women's College (200 participants) in 2011 found that 34% of women had undergone some form of FGM. A study published in the mid-1990s reported that 30.8% of girls between the ages of 1-5 had been circumcised.⁴³

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Abortions may only be carried out in cases where the pregnant woman's life is in danger or in cases where the foetus would have serious congenital defects and will not survive.⁴⁴

Women are able to purchase **contraception** without a prescription or permission from their husbands, and there are no other legal restrictions on women's access to healthcare.⁴⁵ Recent data is not available, but according to United Nations, 23.6% of women questioned reported using a modern form of contraception.⁴⁶ Data on unmet need for family planning is not available.

3. Son bias

The male/female **sex ratio** for the working population (25-16) in 2013 was 2.75 while the sex ratio at birth was 1.05.⁴⁷

Analysis of sex ratio data across age groups shows elevated sex ratios in younger age groups, suggesting the UAE may be a country of concern in relation to **missing women**; however, the situation is improving. The higher adult sex ratio can be attributed to migration.

More

Under-five mortality rates appear to be slightly higher for boys than for girls.⁴⁸ Gender-disaggregated data for immunisation rates are not available, but overall these are high according to UNICEF (94%).⁴⁹

Also according to UNICEF, the net enrolment ratios of boys and girls in primary school in 2009 were roughly equal (90% and 89% respectively). A similar scenario concerns net enrolment ratios for secondary school: 82% for boys and 84% for girls.⁵⁰ Furthermore, at the tertiary level, women outnumber men (data on gross enrolment rates shows 41% for women compared to 22% for men).⁵¹ It should, however, be noted that many Emirati men pursue their studies abroad, while Emirati women cannot leave the country without the authorization of a male guardian. In addition, women are generally not expected to earn an income, such that they may pursue education for longer periods than men who, on the contrary, are expected to earn a living.⁵²

⁴² Idem

⁴³ Orchid Project (2011); Stop FGM Middle East (n.d.)

⁴⁴ Kirdar (2010) p.536; The National (2011)

⁴⁵ Kirdar (2010) p.536

⁴⁶ United Nations, World Contraceptive Use (2012)

⁴⁷ CIA (2013)

⁴⁸ UNICEF (2014) p.34

⁴⁹ Idem, p.46

⁵⁰ UNICEF (2011) p.3

⁵¹ Kirdar (2010) p.529; UNICEF (2011) p.3

⁵² FIDH (2010) p.6

4. Restricted resources and assets

Women in the UAE are considered adults at the age of 18, at which point they are legally able to have independent **access to land and non-land assets**.⁵³ The law also provides that when women marry, previously owned assets – as well as any income resulting from those assets – remain separate property of the spouses.⁵⁴ In practice, however, it is not considered appropriate for women to own property, nor for them to live on their own.⁵⁵ In addition, fathers or brothers can claim the property of unmarried women.⁵⁶ More recent data are not available, but according to the Food and Agricultural Organization (FAO), in 2002 women owned just 4.9% of land in the UAE.⁵⁷

In terms of **access to financial services**, women may open a bank account in the same way as a man and may access to bank loans and credit without the permission of her husband or father, although the extent to which they are able to exercise this right in practice remains unclear.⁵⁸ Some banks have opened “women’s bank” branches, where female bankers serve female banking clients.⁵⁹ In some states, however, women are expected to have the permission of their husband or male guardian before engaging in business ventures⁶⁰ and generally women are discouraged from doing business with men to whom they are not related, making entrepreneurship activities difficult.⁶¹

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Women in UAE are very active as entrepreneurs. A 2007 survey reported that In general, the women in the survey displayed a very optimistic outlook about the economy as well as their own businesses and listed future plans for expansion and growth rather than contraction. The results indicate that 87% feel generally optimistic about the economy, and 88% feel optimistic about their business growth.⁶²

5. Restricted civil liberties

Despite the fact that the Constitution (Art. 29) provides for the freedom of movement and **access to public space** of all persons, men can restrict their wives, minor children and adult unmarried daughters from leaving the country, either by withholding their passports or by contacting the immigration authorities.⁶³ It is also considered socially unacceptable for women to live on their own⁶⁴ and fathers and husbands have the legal authority to forbid their daughters and wives from working outside the home.⁶⁵ In addition, women who leave their husbands can be ordered to return to the marital home under Article 71 of the Personal Status Code.

⁵³ Kirder (2010) p.528; Emery (2013) p.1234

⁵⁴ World Bank (2013)

⁵⁵ Kirder (2010) p.537

⁵⁶ Emery (2013) p.1234

⁵⁷ Coutla (2002[2007]) p.54

⁵⁸ International Finance Corporation and World Bank (2011); World Bank (2013)

⁵⁹ Emery (2013) p.1234

⁶⁰ Kirder (2010) p.529; World Bank (2013)

⁶¹ Emery (2013) p.1234

⁶² Center of Arab Women for Training and Research (CAWTAR) and the International Finance Corporation (IFC) (2007), p. 9

⁶³ Kirdar (2010) p.523; UNICEF (2011) p.1; FIDH (2010) p.4

⁶⁴ Kirdar (2010) p.537

⁶⁵ FIDH (2010) p.4; World Bank (2013); UNICEF (2011) p.2

Despite a 2003 law that forbids the practice, many employers withhold the passports of their foreign workers as a condition of employment, leaving female domestic workers in a particularly vulnerable position.⁶⁶

Freedom of expression, assembly and association are all restricted in the UAE.⁶⁷ The Federal Law No.2 of 2008 governs freedoms of assembly and association.⁶⁸ Public meetings require government permits and NGOs must register with the Ministry of Labour and Social Affairs, often receiving subsidies from the government. Generally, it is very difficult for NGOs and other civil society organisations to operate in the UAE. Although the UAE has not experienced the kinds of demonstrations that elsewhere characterized the Arab Spring, pro-reform voices, human rights activists, judges, and lawyers have been frequently arrested and face prosecution, and in some cases are stripped of their citizenship. Several NGOs have been expelled from the country and the 1980 Print and Publishing Law prohibits criticism of the government. Journalists often practice self-censorship and publish government statements without criticism or comment.⁶⁹ Women are underrepresented in the media, and representations of women and discussions of gender issues do not tend to challenge traditional gender roles.⁷⁰ It is very difficult for women's rights organisations to form and operate effectively, as all must operate under the auspices of the state-controlled UAE Women's Federation.⁷¹ The Women's Federation does not address 'sensitive' issues such as domestic violence or trafficking, and does little to challenge traditional gender roles and relations.⁷²

There are no **quotas** at national or sub-national level. The UAE is not an electoral democracy, political organizations and political parties are illegal, and both men and women have very limited political rights.⁷³ Only those who are appointed to the electoral colleges for each state are entitled to vote to elect 20 members of the 40-member Federal National Council (the remainder are appointed); within the electoral colleges, men outnumber women.⁷⁴ The FNC is an advisory body without legislative power, although there are plans to expand the FNC and strengthen its legislative powers.⁷⁵ In 2011, one woman was elected and eight women were appointed to Federal National Council (or 23% of the seats in the FNC), the next elections are to be held in 2015.⁷⁶ Overall women remain underrepresented in government and in other decision-making roles.⁷⁷

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Pregnant women in the UAE are entitled to 45 days' paid **maternity leave**, to be financed by the employer.⁷⁸ There is no law mandating non-discrimination based on gender in hiring, nor does the law mandate equal remuneration for men and women for **work** of equal value.⁷⁹ Although Article 3 of the Constitution provides all Emirati citizens with the right to freely choose his or her own occupation, trade or profession,

⁶⁶ Kirdar (2010) p.523; Freedom House (2013)

⁶⁷ US Department of State (2012); FIDH (2010) p.5; Freedom House (2013)

⁶⁸ UNICEF (2011) p.3; Freedom House (2013)

⁶⁹ Freedom House (2013); US State Department (2013)

⁷⁰ Kirdar (2010) p.538

⁷¹ Idem, p.521

⁷² Idem, p.522; FIDH (2010) p.6

⁷³ Freedom House (2013); US Department of State (2012)

⁷⁴ Kridar (2010) pp.533-534; Freedom House (2013)

⁷⁵ UNICEF (2011) p.3

⁷⁶ Inter-Parliamentary Union (n.d.); CIA (2013)

⁷⁷ Freedom House (2013); Kirdar (2010) pp.527, 534

⁷⁸ ILO (2010); World Bank (2013)

⁷⁹ World Bank (2013)

Articles 27, 29, and 34 of the Labour Law directly conflict with the later, restricting women from working at night, in jobs that could be hazardous to their physical or moral health (or any other work that is not specifically approved by the Ministry of Labour and Social Affairs), or working without the consent of a her husband or male guardian.⁸⁰ Overall, while there has been a considerable increase in the number of women in the labour force (rising from 25% of the labour force in 1990 to 47% in 2012), women’s participation in the labour force remains restricted, with reluctance on the part of husbands and male relatives cited as a major obstacle to women’s employment and their promotion beyond junior-level positions.⁸¹

Women do not automatically confer UAE **citizenship** to children born to foreign fathers, but can obtain citizenship for them after submitting an application, which the government usually accepts.⁸²

⁸⁰ World Bank (2013); FIDH (2010) p.6; Kirdar (2010) p.530

⁸¹ Kirdar (2010) pp.527, 531; World Bank (n.d.) Data: Labor participation rate, female

⁸² Kirdar (2010) p.519; FIDH (2010) p.4

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