

# **LEGISLATIVE REFORMS**

**2010-2014**

**WOMEN**

**&**

**GENDER ISSUES**

The United Arab Emirates has just been established in 1971, it had no history of discrimination against women as in other states where people have grown accustomed to since many centuries. The UAE legislations are conclusive evidence on that. Most of the legislations were drafted since the beginning to empower women and eliminate discrimination against them, and the best example is the UAE Constitution, which was originally created to grant equal rights for all nationals as was explicitly stated, contrary to other constitutions which went through several amendment processes to be compatible with the international norms and obligations.

Nevertheless, the UAE is at a point of making tremendous and continuous improvement towards identifying policy and legislative measures that abolish all forms of discrimination against women in several areas by giving effect to its leadership's beliefs and directions in this regard.

Below are the most important regulatory and legislative reforms that took place between 2010 and 2014 and are meant to eliminate discrimination against women or empower women and give them extra care within the legislative framework:

**The UAE President's Decree of 2011 in relations to Granting Citizenship to the Children of Emirati Mothers married to Foreigners.**

This decision was the first of its kind in the UAE and the Arab Gulf. Until now, around 2,000 children of Emirati mothers who met the criteria have been granted UAE citizenship.

**Cabinet Decision No. (319/15/22) of 2012 in regards to Enhancing Women Participation in the Board of Directors of Federal Authorities, Companies and Institutions.**

The Decision aims at providing women with opportunities for rising to leadership positions within federal authorities, federal institutions, and companies owned by the Federal Government not only to make women equal to men but to increase the efficiency of those entities.

**Cabinet Decision No. 32 of 2013 in regards to the adoption of the Jobs Guide and Career Path for National Cadres**

Under the Economic Diversification Policy of the aforementioned guide, Article 3.1 states that "The government desires to make available high value Jobs opportunities, especially for UAE Nationals, and to increase women contribution in workforce.

**The Ministry of Justice Decision No. 785 of 2012 in relations to the Official Authorized Personnel "Maathoun" to Perform Marriage Ceremonies (to process marriage contracts).**

Despite the fact that the UAE made a reservation on Article 16 (b) of the Convention on Eliminating all Forms of Discrimination Against Women which gives women the right to freely choose a spouse and to enter into marriage only with their free and full Consent" the aforementioned law was amended to reassure this right as follows:

Article 32: The Official Authorized personnel has to listen to the woman's consent on the husband, the marriage contract's terms and conditions, and the dower...." If this condition is not met, the contract cannot be concluded.

Article 44: The woman's father or the person in charge shall sign the marriage contract and so the woman herself shall sign the contract" If this condition is not fulfilled, the contract cannot be concluded even if the consent of the father or the person in charge is obtained.

Article 45: The Official Authorized Personnel shall not proceed with marriage contract if both the woman and man or one of them was under the age of 18, or if the age of the man was twice the age of the woman.

Also, despite the fact that the UAE made reservation on Article 15/2 of the same convention "States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals." The UAE government has appointed the first authorized female personnel "Maathoun" since 2008 to conclude/process marriage contracts. Accordingly, if women do not have the competency to sign on contracts under the UAE legislations, the government would not have been able to conclude and process contracts between the parties to it.

The increasing number of female entrepreneurs in the UAE is a proof that the UAE legislations are free of discrimination against women in relations to their competency of concluding and signing contracts and administering properties.

#### **Law No. 23 of 2006 in relations to the Judicial Department of Abu Dhabi and Law No. (3) of 1983 in relations to the Legislative Authorities.**

The aforementioned laws were recently amended to allow women to work as judges and general prosecutors as these two jobs were exclusive jobs for men by force of law.

#### **Emiri Decree No 3 of 2009 in relations to Economic Youth Welfare**

The law identifies the criteria of youth initiatives which is eligible for special care and development by the government. Article (3) of this law stipulates that "the initiative should be made by those who are identified to be young people, male or female, according to the principle of equal opportunities for both genders pursued by the government in this area".

#### **Decree No. 1 of 2012 in relations to the Outpatient Treatments**

The decree has given the women the advantage of taking a number of their children with them when they are sent for outpatient treatment unless it causes a threat to their health.

### **Federal Law No. 51 of 2006 in relations to Combating Human Trafficking**

The law decided to extend the protection of women by doubling the penalty when the victim is found to be a female. Article 2 of the aforementioned law introduced two levels of penalties; the original penalty is detention for a minimum of 5 years. If the victim is found to be a woman, the penalty will automatically increase to life imprisonment.

### **The UAE Penalty Code No. 3 of 1987**

This law has also doubled the penalty when the victim is found to be a female in the following crimes:

- 1- Rape (Sexual Assault)
- 2- Public indecency
- 3- Ravishment

### **The Personal Affaires Law**

Article (144/6) states that “the custody is for the mother if a dispute arises over the custody unless the judge decides to the contrary for the benefit of the children”.