Fighting Domestic Violence - United Arab Emirates

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**How to use and navigate this report**

# 1. Legal provisions

## 1.1 What are the relevant statutes and codes?

The principal law is the 2019 UAE Federal-Decree Law No. 10 "On the Protection Against Domestic Violence" ("**2019 Federal-Decree Law No. 10**").

## 1.2 What is the controlling case law?

The UAE judiciary is entirely independent and judges are subject to no authority other than the rule of law and their conscience. Therefore, there is no controlling case law.

## 1.3 What are the specific parts of the court system that address domestic violence?

In general, the public prosecution of the UAE courts is responsible for addressing domestic violence, in cooperation with other public bodies. The public prosecution is part of Abu Dhabi Judicial Authority. It has the competence to initiate and take action on criminal cases, as a representative of the public and society's members, by referral to the court or by issuing a decision of dismissal.

## 1.4 What are potential causes of action?

This may include any act, word, offense, abuse or threat committed by a family member against another family member beyond the guardianship, custody, dependency, power or responsibility vested in them, involving bodily, psychological, sexual or economic harm.

# 2. Introduction: framework guiding domestic violence law

## 2.1 Are there civil and criminal legal remedies for domestic violence victims?

Yes, the public prosecution of the UAE courts may, of its own accord or at the victim's request, issue a restraining order obliging the abuser to do the following:

stay away from the victim

stay away from the places prescribed for protecting the victim or any other place mentioned in the restraining order

not afflict damage on the personal property of the victim or any of their family members

enable the victim or their delegate to receive their necessary personal belongings

any other procedures that the public prosecution deems necessary to include in the restraining order, which would provide effective protection for the victim or any persons who are likely to be exposed to harm due to their relationship with the victim

Whoever violates a restraining order issued under the provisions of the 2019 Federal-Decree Law No. 10 will be sentenced to imprisonment for up to three months and/or a fine of between AED 1,000 and AED 10,000. The penalty will be doubled if the restraining order is violated by using violence against any person covered by this law.

Whoever commits any of the domestic violence acts identified in the law, will be sentenced to imprisonment for up to six months and/or a fine of up to AED 5,000. The UAE courts may double the penalty if the perpetrator commits any of the domestic violence acts within one year of committing the previous act.

## 2.2 Is domestic violence identified in national law as a human right (noting that at a European level protection from domestic violence has not been explicitly identified as a human right but is indirectly captured by the other provisions)?

The 2019 Federal-Decree Law No. 10 has no mention of whether protection from domestic violence is identified as a human right.

## 2.3 Has your country signed and ratified the conventions?

Yes, the UAE has ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

## 2.4 If it has ratified the Maputo Protocol, how has it been implemented into national law (African Union member states only)?

N/A

## 2.5 If it has ratified the 1979 Convention (CEDAW), how has the recommendations part of General Comment No. 35 been implemented into national law?

We are not aware of any specific actions taken by the UAE on the implementation of the recommendations part into national law. As mentioned in Section 1, the principal law is the 2019 Federal-Decree Law No. 10, all definitions and consequences of a breach of the law are addressed in this note.

## 2.6 If the conventions have not been ratified or signed, is it envisaged that your country will do so?

The UAE has ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). We understand that the Maputo Protocol is for African Union member states only.

# 3. Similarities and differences in terminology

## 3.1 Domestic violence

 Means any act, word, offense, abuse or threat committed by a family member against another family member beyond the guardianship, custody, dependency, power or responsibility vested in them, involving bodily, psychological, sexual or economic harm.[1]

## 3.2 Stalking

Not defined in the 2019 Federal-Decree Law No. 10.

## 3.3 Harassment

Not defined in the 2019 Federal-Decree Law No. 10.

## 3.4 Victim

Not defined in the 2019 Federal-Decree Law No. 10.

## 3.5 Abuser

Not defined in the 2019 Federal-Decree Law No. 10.

## 3.6 Civil protection order

Not defined in the 2019 Federal-Decree Law No. 10.

## 3.7 Causes of action

Not defined in the 2019 Federal-Decree Law No. 10.

## 3.8 Marital rape

Not defined in the 2019 Federal-Decree Law No. 10.

## 3.9 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

The following terms are defined in the 2019 Federal-Decree Law No. 10:

Physical abuse means any assault by any means on the victim's body, even if it has no impact.

Psychological abuse means any acts or words causing psychological harm.

Sexual abuse means any act constituting a sexual assault or harassment on the victim or exploitation of the same by any means.

Economic abuse means any act leading to depriving the victim of their right or freedom to dispose of their money with the intention of afflicting damage thereon.

# 4. Protection for domestic violence victims and relief granted

## 4.1 Civil protection orders

## 4.1.1 Are there civil protection orders available to victims of domestic abuse?

There are restraining orders that the public prosecution may (of its own accord or at the victim's request) issue, requiring the abuser to do the following:

stay away from the victim

stay away from the places prescribed for protecting the victim or any other place mentioned in the restraining order

not afflict damage on the personal property of the victim or any of the victim's family members

enable the victim or their delegate to receive their necessary personal belongings

any other procedures that the public prosecution deems necessary to include in the restraining order, which would provide effective protection for the victim or any persons who are likely to be exposed to harm due to their relationship with the victim

## 4.1.2 Who can petition for civil protection orders?

As stated above, restraining orders may be requested by the victim, or at the court's own accord.

## 4.1.3 Are there temporary custody of a child or child support orders?

The 2019 Federal-Decree Law No. 10 does not differentiate child victims from adult victims. A child who is permanently or temporarily deprived of their natural family environment will be entitled to alternative care through either:

a foster family

a public or private social care institution in case of a lack of a foster family

The child protection specialist may submit a proposal to the child's parents or custodian to place the child temporary with an alternative family, an association or an appropriate social, educational or health institution, whether private or public, if it is proven to the child protection specialist that there is a threat to the child's safety or physical, psychological, emotional or mental health.

The child protection specialist is a person licensed and assigned by the competent authority or the concerned bodies to preserve the child's rights and protect them within their respective competence.

## 4.1.4 Is there a provision to order the abuser to move out or stay away from places that the victims frequent?

Yes, the abuser may be subject to an order to stay away from places the victim frequents.

## 4.1.5 Are there any other types of emergency, preventive and civil protection orders?

Depending on the victim's circumstances, the public prosecution may apply further procedures at its discretion.

## 4.1.6 Can these orders be requested by direct or indirect victims or legal representatives in children's cases?

The 2019 Federal-Decree Law No. 10 is silent on this matter.

## 4.1.7 Are there different types of civil protection orders, e.g., for a short- term period?

Please see the response below in 4.2, relating to time limits.

## 4.1.8 Are ex parte orders permitted without the aggressor being present?

No information provided in relation to *ex parte* orders.

## 4.1.9 Do emergency orders also extend protection for abuse and intimidation to family members of the victim?

The public prosecution may apply such a procedure at its own discretion. However, it should be noted (as stated above) that the public prosecution may order the abuser to not afflict damage on the personal property of the family members of the victim. As mentioned above, depending on the circumstances, the public prosecution may apply further procedures at its discretion.

## 4.1.10 How long do the orders last?

Please see the answer below, relating to time limits.

## 4.1.11 Please provide any data or hyperlinks to government or NGO websites that include information on how often civil protection orders are issued, and any relevant demographics information, e.g., police reports, convictions, etc.

N/A

## 4.2 Steps for receiving a protective order

## 4.2.1 What documentation is needed to obtain a civil protection order?

The 2019 Federal-Decree Law No. 10 is silent on the documentation the victim requires to obtain a civil protection order.

## 4.2.2 Does the victim need to attend a hearing?

 The 2019 Federal Decree Law No. 10 is silent on the hearing.

## 4.2.3 Can you request remedies?

The victim may receive the remedies that the public prosecution applies as stated above.

## 4.2.4 Are there time limits?

Yes. The restraining order will not exceed 30 days, however, the public prosecution may renew such order for two similar periods not exceeding 60 days. The period may also be renewed by a decision of the competent court up to six months later. It should be noted that the abuser as well as the victim may appeal the restraining order before the competent court within seven months from the date of its issuance (Article 7 of the 2019 Federal-Decree Law No. 10).

## 4.2.5 Are there different rules in emergencies?

This depends on the circumstance of the victim and the likelihood of the victim being exposed to harm from the abuser (as per Article 6(5) of the 2019 Federal-Decree Law No. 10).

## 4.3 Judicial discretion

## 4.3.1 What discretion does a judge have in granting a civil protection order or other protective orders?

The public prosecution has the discretion to include any other procedures it finds necessary in order to protect the victim.

## 4.3.2 Are there age limits on who can obtain orders?

 The 2019 Federal-Decree Law No. 10 is silent on age limits.

## 4.4 Restitution and remedies available to victims

## 4.4.1 Can victims obtain reimbursement for costs and restitution paid?

 This can be requested, but the court has the discretion to award any costs.

## 4.4.2 Can they recover wages and profits lost?

This can be requested, but the court has the discretion to award any costs.

## 4.4.3 Is a separate civil process required?

Yes.

# 5. Prosecutorial considerations

## 5.1 Police procedures

## 5.1.1 When do the police get involved in domestic disputes or legal actions?

As soon as they are notified of the incident.

## 5.1.2 What circumstances effect law firm involvement?

When a law firm is appointed by either party.

## 5.2 Standard of proof

## 5.2.1 Is proof required by any legal means?

Yes.

## 5.2.2 Are there any requirements regarding evidence and documents?

Yes.

## 5.2.3 Is proof "beyond a reasonable doubt" required?

No.

## 5.2.4 Is the standard of proof different for ex parte orders?

No.

## 5.3 Affirmative defenses

## 5.3.1 Are affirmative defenses available to the accused?

Yes.

## 5.3.2 Is willful intent required?

No.

## 5.3.3 Are false accusations punishable for the victim?

Yes.

## 5.3.4 How is consent discussed in the law?

 It is not discussed.

## 5.3.5 Is self-defense or insanity a defense?

Yes.

## 5.4 Witness status

## 5.4.1 What is a witness's duty to testify honestly and completely?

The witness has a duty to testify honestly and completely under oath. If the witness statement is found to be incorrect, there could be another charge.

## 5.4.2 Who may abstain from testifying in certain situations?

If the Court or the prosecution requested the witness to testify, then the witness should attend to testify. Otherwise, the court or prosecutor can apply a fine or issue an arrest order against them.

## 5.4.3 What potential "excuses" can a witness raise to refuse to testify in a domestic violence action?

As explained earlier, the witness should testify if requested by the court or prosecutor as per UAE Law.

## 5.4.4 What is the impact of domestic violence on witnesses who are children?

The law does not provide any special protections, but this could be requested from the courts.

## 5.4.5 Can children be called upon to testify?

Yes.

## 5.4.6 What is the effect of a child victim on the charges against the offender?

More severe penalties and punishments.

## 5.5 Penalties and sentencing; penalty enhancements

## 5.5.1 What are the penalties and sentencing laws for first-time domestic violence offenses?

The court has the discretion to determine the penalties and sentencing. The judge has the ability to sentence the offender to imprisonment for up to three months and/or a fine of between AED 1,000 and AED 10,000.

## 5.5.2 Are there criminal penalties?

Yes.

## 5.5.3 What is the result of a violation of an existing order for protection?

The court has the discretion to penalize accordingly.

## 5.5.4 What fines and other penalties are imposed besides incarceration and liberty restriction?

See above.

## 5.6 Post-release restrictions

## 5.6.1 Does the law notify the victim of the offender's release from custody?

No.

# 6. Special issues

## 6.1 Battered woman syndrome

## 6.1.1 Can lawyers present evidence of battered woman syndrome or other domestic abuse as an affirmative defense to crimes that the battered woman has committed? (Note: Battered Woman Syndrome is accepted by courts in certain jurisdictions to show that battered women can use force to defend themselves and sometimes kill their abusers due to abusive and life-threatening situations.)

The concept of battered woman syndrome is not a defense in itself, but the courts will consider whether the victim was defending herself at a reasonable level (and in doing so committed the crime).

## 6.2 Domestic violence in the workplace

## 6.2.1 Can courts issue orders to protect employees suffering from domestic violence?

This matter is not addressed under UAE laws but a UAE court has the discretion to issue such order at its discretion.

## 6.2.2 Can departure be deemed "for good cause" if related to domestic violence?

The concept of "for good cause" is not recognized as such under UAE laws.

## 6.2.3 Can family members of domestic violence victims take reasonable leave to help the victim seek treatment or obtain help and services?

This is not dealt with under UAE laws and will be subject to the agreement with employer.

## 6.3 Immigration

## 6.3.1 Does the law include provisions that are intended to prevent abusers who are citizens or permanent residents from using immigration laws to perpetrate domestic violence against their spouse?

The working spouse/parent must sponsor the non-working expatriates to be able to reside in the UAE. This gives significant control to the sponsor over the sponsored family members, which can lead to abuse of such power.

## 6.3.2 If battered immigrants cooperate with law enforcement in domestic violence, can they obtain immigration remedies?

Yes, the immigration authorities have the right to provide temporary sponsorship to replace the sponsor but this is rarely used.

## 6.3.3 Does domestic violence law discuss asylum accessibility?

No.

## 6.4 Armed forces

## 6.4.1 Can a victim seek a military protective order if the abuser is in active military?

The 2019 Federal-Decree Law No. 10 does not differentiate between military and non-military abusers.

## 6.5 Child custody and child/spousal support

## 6.5.1 Do judges follow special rules to determine custody or visitation of children in domestic violence cases?

In matters of custody, UAE courts follow the principles of Sharia law, which would be dealt with on a case-by-case basis.

## 6.5.2 Can the judge consider the testimonies of the other spouse and the children when determining custody?

Yes.

## 6.6 Housing rights of domestic violence victims

## 6.6.1 Does the law include any barriers to prevent landlords from forcing a tenant to move out because they are victims of domestic violence?

There are limited circumstances within which a landlord can force a tenant to leave a premises and this is not one of them.

## 6.6.2 Does the law allow a tenant to terminate his/her lease early due to domestic violence?

No.

## 6.6.3 Can an order exclude the abuser from the residence?

Yes, if convicted in a criminal case, the court can prohibit the abuser from residing in a certain place or even prohibit the abuser from visiting certain public places. Please see Articles 110-114 from the Federal Penal Code.

## 6.6.4 Can abusers be forbidden by court orders to alienate or mortgage the property in his/her name if it is the family domicile?

No, but if the abuser is a father, he is responsible for providing a house for the family.

# 7. Endnotes

[1]Article 3 of the 2019 Federal-Decree Law No. 10.

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