

THE LAW AND FGM/C United Arab Emirates 2026



About Orchid Project

Orchid Project is a UK- and Kenya-based non-governmental organisation catalysing the global movement to end female genital cutting (FGC). Orchid Project's strategy for 2023 to 2028 focuses on three objectives:

1. To undertake research, generate evidence and curate knowledge to better equip those working to end FGM/C
2. To catalyse, support and strengthen regional networks to actively participate in the movement to end FGM/C
3. To influence global and regional policies, actions and funding to end FGM/C.

Orchid Project's aim to expedite the building of a knowledge base for researchers and activists is being fulfilled in the **[FGM/C Research Initiative](#)**.

About Wadi

Founded in 1992, Wadi's mission is rooted in the fundamental belief that true development only occurs when individuals possess the power to decide their own futures. We don't provide aid—we support communities to find local resilient solutions rooted in our fundamental beliefs in human rights and equality. Our strategy remains consistent: we provide the platform, but the community provides the voice.

Wadi pioneered the fight against FGM/C in Iraqi Kurdistan through grassroots action, media campaigns, and lobbying at a local and international level. This work has never stopped, only evolved to include the myriads of other forms of gender issues in the area and we continue to work to empower women through literacy, education, vocational education, women's health access in order to combat the systemic roots of gender-based violence.

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WORKING TOGETHER TO END
FEMALE GENITAL CUTTING

Overview of Domestic Legal Framework

Overview of Domestic Legal Framework in United Arab Emirates	
<i>The Constitution explicitly prohibits:</i>	
x	Violence against women and girls
x	Harmful practices
x	Female genital cutting (FGM/C)
<i>National legislation:</i>	
x	Provides a clear definition of FGM/C
✓	Criminalises the performance of FGM/C under the Promulgating the Crimes and Penalties Law, and Child Rights Law (Wadeema)
✓	Criminalises the procurement, arrangement and/or assistance of acts of FGM/C under the Promulgating the Crimes and Penalties Law
✓	Criminalises the failure to report incidents of FGM/C under the Promulgating the Crimes and Penalties Law, and Child Rights Law (Wadeema)
✓	Criminalises the participation of medical professionals in acts of FGM/C under the Law Concerning Medical Liability
✓	Criminalises the practice of cross-border FGM/C under the Promulgating the Crimes and Penalties Law
x	Government has a strategy in place to end FGM/C

Introduction



Figure 1: Map of United Arab Emirates (1)

The United Arab Emirates (UAE) is a federation of monarchies comprising seven emirates, sharing land borders with Oman and Saudi Arabia, and with coastlines on the Persian Gulf and the Gulf of Oman (2,3). The UAE has a population of approximately 11.5 million (2025 est.) (1).

The expatriate community outnumbers UAE nationals (Emiratis); Emiratis were estimated at approximately 950,000, while non-nationals were estimated at approximately 7.3 million. Indians form the largest foreign community in the UAE, followed by Pakistanis and Bangladeshis; other sizeable communities include people from elsewhere in Asia, as well as Europeans and Africans (2).

Women make up only 25-30% of the population, due to the country's high dependence on foreign male labour, especially in the construction industries; the few female immigrants tend to work as domestic help (4). Islam is the UAE state religion, and Muslims comprise 76.9% of the population (Christians 12.6%; Hindus 6.6%, Buddhists 2.0%, unaffiliated 1.1% and other 0.8%) (5).

Note on Terminology

In Middle Eastern countries female circumcision is sometimes referred to as *khatana* or *sunat*. In most reports about the practice in the UAE the term FGM/C is used (or sometimes female circumcision). However, for consistency across Orchid Project's law reports the term FGM/C has been used throughout.

Female genital cutting is classified into four major types by the World Health Organization (WHO):

Type 1: This is the partial or total removal of the clitoral glans (the external and visible part of the clitoris, which is a sensitive part of the female genitals), and/or the prepuce/clitoral hood (the fold of skin surrounding the clitoral glans).

Type 2: This is the partial or total removal of the clitoral glans and the labia minora (the inner folds of the vulva), with or without removal of the labia majora (the outer folds of skin of the vulva).

Type 3: Also known as infibulation, this is the narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the labia minora, or labia majora, sometimes through stitching, with or without removal of the clitoral prepuce/clitoral hood and glans.

Type 4: This includes all other harmful procedures to the female genitalia for non-medical purposes, e.g., pricking, piercing, incising, scraping and cauterizing the genital area (6).

Prevalence of FGM/C

No official study on the prevalence of FGM/C in the UAE has been conducted, but academic studies indicate varying rates of FGM/C occurring in the UAE, from 34% in a 2011 study (7), to 41.4% in a 2020 study (8). Among women who had been cut in the 2020 study, only 13.7% of their daughters had undergone FGM/C, indicating a possible decline among the younger generation (8).

Further information about FGM/C in the UAE is available at: <http://www.fgmcricri.org/uae>

National Legal Framework

UAE's legal system is a mix of Islamic (Sharia) law and civil law.

The highest court in UAE is the Federal Supreme Court, which consists of the court president and four judges; its jurisdiction is limited to federal cases.

Subordinate courts: The Emirates of Abu Dhabi, Dubai, and Ra's al Khaymah have court systems that parallel the federal system. The remaining four emirates have incorporated their courts into the federal system.

The current **Constitution of the UAE** came into law in May 1996. **Article (16)** refers to the right of children and others to be protected and cared for by the community, and the implementation of appropriate laws to regulate this security:

The community shall care for children and mothers and protect minors and others who are unable to look after themselves for any reason, such as illness, incapacity, old age or forced unemployment, assist and rehabilitate them for their own interest and for the interest of the community. Welfare and social security laws regulate these matters.

Applicable general laws

There is no specific law relating to criminalisation of those who perform FGM/C. However, some provisions of the UAE **Federal Decree Law (2021) Promulgating the Crimes and Penalties Law**, and the **Federal Law of Child Rights Law (2016)**, can be read as addressing and prohibiting FGM/C. There is also the **Federal Decree Law Concerning Medical Liability (2016)** which addresses professional medical behaviour that can be read as prohibiting the performance of FGM/C by medical professionals working in public health facilities.

UAE Federal Decree Law (No 31 of 2021) Promulgating the Crimes and Penalties Law (9):

Articles 387–394, and Articles 400 and 405 can be applied to criminalise the performance of FGM/C.

Article 387 refers to anyone who commits assault on the physical safety of another person, in any manner, without intending to kill them, but the assault leads to their death.

More likely Articles 388 and 389 will apply to performance of FGM/C.

Article 388: *A penalty of temporary imprisonment for a period not exceeding (7) seven years shall be imposed on anyone who deliberately causes permanent disability to another. [...] A disability is deemed permanent if the injury has caused the cutting of, severance or amputation of an organ or any part thereof, or total or partial or loss its if its benefit, or the permanent total or partial loss of the function of any sense. Any grave mutilation which cannot be removed shall be considered as disability.*

The clitoris is a natural organ of the body and cutting or amputating it will render permanent or total loss of function and sensitivity.

Article 389: *A penalty of temporary imprisonment for a period not exceeding (5) five years shall be imposed on anyone who commits assault on the physical integrity of another person, in any manner, leading to unintentional permanent disability.*

Although this is a slightly lesser crime than that described in Article 388, it would be difficult to argue that deliberately damaging the clitoris by cutting or amputating it led to "**unintentional** permanent disability" when that is the expected consequence of FGM/C.

Article 390: *A penalty of incarceration and a fine shall be imposed on anyone who commits assault on the physical integrity of another person in any manner whatever, which leads to a disease or the inability to carry on his personal activities for more than twenty days.*

This could be taken to include a girl who is unable to attend school (i.e. continue her personal activities) for more than three weeks as a result of undergoing FGM/C.

Article 394: *A penalty of incarceration for a period not exceeding one year and/or a fine not exceeding (10,000) ten thousand AED shall be imposed on anyone who, by his fault, causes injury to the physical integrity of another person.*

This Article could be used as an alternative to Article 389 but not reflect the permanent damage done to the clitoris (and possibly the labia) which are normally functioning organs of the body.

Article 400 relates to harm against a juvenile, with emphasis on those who have a duty to protect and take care of the victim; this would include parents and guardians who perform FGM/C on their girl child.

However, it should be noted that **Article 54(1)** includes an exemption from criminality for medical professionals where 'medical surgery' or 'medical treatments' is carried out 'in accordance with traditional medicinal standards.' There is a danger this could be used as a way of circumventing the law by claiming the treatment is necessary for various gynaecological reasons.

Federal Law No 3 of 2016 on Child Rights Law (Wadeema) (10)

The purpose of this law is to protect children. FGM/C could be understood to breach several of the articles and rights contained in this Law. In particular **Article 36** could apply to the performance of FGM/C.

Article 1 sets out various definitions: *A child is defined as being below 18 years of age. Child abuse is defined as: 'Each and every act or omission that would harm the child in a manner that prevents his upbringing and growth in a proper safe and healthy manner,' and 'Violence Against the Child' is defined as 'The deliberate use of force against any*

child by any individual or community that inflicts actual harm to the child's health or growth or life.

Article 4 (2): *Child protection and best interests shall have priority in all decisions and procedures taken relevant to him.*

Article 7 (1): *The child shall have the right to life and safety.*

Article 13: *The child may not be exposed to any arbitrary intervention or illegal procedure in his life, family, home [...] (if FGC is held to be illegal under any of the Articles listed above under the Law Promulgating Crimes and Penalties, this Article 13 could be applied to the parents or guardians who expose the child to the practice.)*

Article 15: *(1) The child's parents or custodians shall provide him with the requirements of family safety with the atmosphere of a family with strong and close relations. (2) The child's custodian shall be entrusted with the responsibilities and duties vested in him with respect to educating, protecting, guiding and upbringing the child in the best way.*

Article 18: *The child shall be entitled to receive health services in accordance with the laws and regulations of health care in force in the State.'*

These health-related laws and regulations will include those set out in the 2016 Federal Decree Concerning Medical Liability discussed below in the Medicalisation Section.

Article 33: *The following shall be particularly considered to be threatening the child's physical, psychological, ethical, or mental safety and requires his right to protection [...] (5) Sexual abuse or exploitation [...] (8) Failure of parents or custodians to protect or educate the child [...]*

Article 36: *It is prohibited to expose the child to torture or physical assault or perform any act that would compromise the child's emotional psychological, mental or moral safety.*

Procuring, Aiding and Abetting FGM/C

If performance of FGM/C is held to be a criminal offence under the Articles listed above, then **Chapter 3 (Articles 45-53) of the Federal Decree Promulgating Crimes and Penalties Law** that deals with Criminal Complicity could be held to cover those who arrange, aid or assist in that performance of FGM/C, and those who supply tools, premises or other resources to facilitate FGM/C.

Notably a person shall be deemed an accomplice as defined under **Articles 45 and 46.**

Article 45: *Any individual who has committed a crime alone or who has acted as direct accomplice therein shall be considered a perpetrator thereof. The accomplice shall be deemed a direct one in the following cases:*

(a) If he commits the crime in association with others.

- (b) If he participates in committing the crime, which consists of a series of acts, and he deliberately commits one of the acts of which the crime is constituted.*
- (c) If he makes use of another person, in any way whatever, for the perpetration of the act constituting the crime, and if the latter is not criminally liable for any reason whatever.*

Article 46: A person is considered an accomplice by causation of the crime if he:

- (a) Instigates the commission of the crime, and it has been committed as a result of such instigation.*
- (b) Agrees with another person to commit the crime, and it has been committed as a result of such agreement.*
- (c) Gives the perpetrator a weapon, tools or any other thing which the latter has knowingly used in committing the crime; or he who has deliberately aided the perpetrator in any other way in the preparation, facilitation or completion of the crime. The accomplice shall in these cases be liable, whether he is in direct contact with the perpetrator or through an intermediary.*

Failure to report FGM/C

If performance of FGM/C is held to be a criminal offence under the Articles listed above, then **Articles 321-323 of UAE's Federal Decree Law Promulgating Crimes and Penalties** could apply:

Articles 321: Places a duty on **public servants** responsible for detecting and seizing crimes, and on any other public official, to report a crime that comes to their knowledge. Exemption may be granted if the public servant is a spouse, descendant, ascendant, sibling, or an in-law with the same degree of relationship, of the perpetrator.

Article 322: Places a duty on any **medical or health professional** who [...] 'gives first aid to a seriously injured person, in whom he finds signs showing that the death or injury is the result of a crime or that the circumstances of such death or injury appear doubtful thereto', to inform the relevant authorities.

Article (323): Places a duty on '**whoever becomes aware of a crime** and abstains from informing the competent authorities', though exemption may be granted if the person abstaining is a spouse, descendant, ascendant, sibling, or an in-law with the same degree of relationship, of the perpetrator.

Under the Child Rights Law Article 42 makes it a requirement to report a threat to a child's safety:

1. Anyone may inform the child protection specialist or the child protection units if there is a threat to the child's safety or physical, psychological, ethical or mental health; and
2. The reporting shall be mandatory for the custodians, physicians and social workers or those who are entrusted with the protection, care or education of the child.

Article (43): *Whoever attains the age of majority shall help any child who asks him to report the competent authorities or concerned bodies of his suffering or the suffering of any of his brothers or any other child in any of the cases stipulated in Article (33) hereof.*

Protection is afforded to those who report the crime of FGM/C under Articles 44 and 45:

Article (44): *The identity of the reporter shall not be disclosed unless his approval is obtained. The disclosure of the identities of all parties to the incident and the witnesses in child abuse or maltreatment actions when using the information contained in the analyses or media reports or the publication of any material that could lead to the disclosure of his identity shall be prohibited.*

Article (45): *The concerned bodies and competent authorities shall provide protection to the witnesses in all stages of the criminal action.*

Medicalised FGM/C

The 2020 study on FGM/C prevalence in UAE found that 74.4% of mothers were cut by ritual/traditional circumcisers and the remainder in private clinics by health professionals. However, the same study found that 73.7% of daughters experienced FGM/C in private hospitals, from which it can be inferred they were cut by medical professionals,¹ suggesting a growth in medicalisation of FGM/C among younger women.

Another study (published 2023) conducted through 2020 and 2021 with 120 nurses and doctors practising in the UAE (11) found that almost half (49.2%) had seen FGM/C patients, though none reported carrying out the practice themselves. However, 6.7% indicated they were willing to do so if it was requested by a mother or guardian, and 7.5% of participants believed that FGM/C was religiously recommended. The study found 41.7% of participants were working in government hospitals and 34.2% in private facilities.

This study also found that only 26.7% of participants knew there was a federal law in the UAE that could be applied to FGM/C but 50% did not know about any UAE laws relating to the practice. 74.3% were aware of the UAE's Medical Liability Law (discussed below), but this has been criticised for a) not setting out clear penalties for undertaking FGM/C procedures, and

¹ For more information about practitioners and rates of medicalisation and please visit <http://www.fgmcricri.org/uae>

b) it only applies to performing medical professionals and does not include traditional circumcisers and other practitioners (11).

UAE's Federal Decree Law No 4 of 2016 Concerning Medical Liability states (12):

***Article 3:** Any person who practices the profession in the State must perform the duties of his job with the level of accuracy and honesty as required by the profession, in accordance with the recognized scientific and technical standards and in a way that guarantees the due care of the patient without exploiting the patient's need to achieve illegal interest whether for himself or for any other party and without discrimination between the patients and must comply with the statutes applicable in the State.*

Article 3 makes it clear that medical professionals must perform their duties in line with recognised scientific standards. It is accepted internationally that FGM/C is not required for any medical reason, and is therefore contrary to scientific medical practice and advice.

This requirement for medics to meet recognised standards is reiterated in **Article 4:**

*Without prejudice to the obligations prescribed in the applicable statutes, a physician shall, in particular [...] (3) use the available diagnosis and treatment methods necessary for the medical condition. (4) Use the necessary medical tools and devices required for the diagnosis and treatment of the patient with due care and attention and **in accordance with the recognized scientific standards.***

Article 6 repeats this approach: 'A medical error is an error committed by the practitioner of the profession for any of the following reasons [...] (2) **Failure to follow the recognised professional and medical standards** [...] (4) Negligence and failure to act carefully and with precaution.'

Article 5 stresses that a physician shall not treat a patient without their consent (or they must inform and obtain the consent of the parents/guardians of a child or other person lacking medical capacity), nor 'Use unauthorized or illegal methods in the treatment of the medical condition of the patient [...]' (Article 5: 4); nor 'Carry out unnecessary medical procedures or surgeries for the patient without his informed consent' (Article 5:10)

Article 8 reinforces this need to confirm the necessity of any surgical intervention: 'Save as in the emergent cases requiring necessary and immediate surgical intervention to save the life of the patient [...] and to avoid dangerous complications, the surgical procedures may not be carried out unless subject to the following [...] (b) The necessary examinations and laboratory tests must be conducted to verify that the surgical intervention is necessary and suitable for the patient's treatment and to verify that the patient's medical condition allows the surgical procedure.'

However, despite this Medical Liability law and supporting regulations it seems that FGM/C is only prohibited from being undertaken by medical professionals in government clinics and

hospitals. It does not cover traditional circumcisers and does not appear to cover FGM/C undertaken in private clinics (13).

It should be noted that **Article 54(1) of the Promulgating Crimes and Penalties Law** include an exemption from criminality for medical professionals where medical surgery or medical treatments is carried out in accordance with traditional medicinal standards. There is a danger this could be used as a way of circumventing the law by claiming the treatment is necessary for various gynaecological reasons.

Cross-Border FGM/C

An article published in 2014 by a professor at Coventry University in the UK, reported on girls being flown to Dubai to undergo FGM/C in the belief that it would be conducted in a medical environment that would be cleaner and safer than would be available in other countries where the practice occurs (14).

The 2023 study with medical practitioners in UAE found that the most common nationalities asking for FGM/C were Sudanese (15%) and Somali women (7.5%), presumably migrants working and residing in the UAE.

The following Articles of the **Federal Decree Promulgating Crimes and Penalties Law** set out jurisdiction of this Law which has the effect of ensuring someone entering the UAE to commit a crime, or anyone committing a crime against a UAE national in another country, or a UAE national who commits a crime in another country will come under this Federal Decree. Notably it includes migrants residing in the UAE: 'any individual who acquires the nationality of the State' and 'any person who without nationality shall be treated as a citizen if he has a permanent residence in the State.'

Article (17): *The provisions of this Law shall apply to anyone who commits a crime on the territory of the State. The State's territory includes its lands and any place under its sovereignty, including the territorial waters and the airspace above them. A crime shall be deemed as committed on the State's territory if one of the acts constituting it has been committed thereon or if its results have been, or have been intended to be, produced thereon.*

Article (20): *This Law shall apply to any person who performs, outside the State, an act which causes him to be considered a perpetrator or an accomplice of a crime which is wholly or partially committed in the State.*

Article (23): *Any citizen who performs outside the State, an act that is considered a crime according to the provisions of this Law, as a perpetrator or an accomplice, shall be punished in accordance with its provisions if he returns to the State and such act is punishable under the law of the country where it is committed. This provision shall apply to any individual who acquires the nationality of the State after having performed said act.*

Penalties

UAE Federal Decree Law (No 31 of 2021) Promulgating the Crimes and Penalties Law (9):

Articles 387 – 394 and 400, discussed earlier with regard to performing FGM/C as an offence under these Articles, will result in varying lengths of imprisonment and fines.

Under **Article 387** anyone who commits assault on another which leads to their death will be imprisoned for up to ten years.

Article 388: Imprisonment for up to seven years will be imposed on anyone who deliberately causes permanent disability of another by the cutting or amputation of any bodily organ, including grave mutilation and loss of its function and/or sensitivity. The clitoris is a natural organ of the body, and cutting or amputating it will render permanent or total loss of function and sensitivity.

Article 389: Anyone who commits assault on the physical integrity of another leading to permanent disability may be imprisoned for up to five years.

Article 390: Imprisonment and a fine will be imposed on anyone who commits assault on the physical integrity of another which leads to their inability to carry on their personal activities for more than 20 days. As mentioned earlier, this could be taken to include a girl child who is unable to attend school (i.e. continue her personal activities) for more than three weeks as a result of undergoing F/C.

Article 394: Imprisonment up to one year and/or a fine of up to 10,000 AED will be imposed on anyone who causes injury to the physical integrity of another.

Article 400: Failure to maintain a duty to protect and take care of a juvenile in their custody can lead to imprisonment for up to three years; if permanent disability results from this neglect the term of imprisonment will be higher, in accordance with the crime of assault leading to permanent disability (i.e. up to five years).

A penalty of incarceration for a period not exceeding (3) three years shall be imposed on anyone who, personally or through an intermediary, endangers a juvenile who has not completed (15) fifteen years of age or a person incapable of protecting himself due to his health, mental or psychological condition. The penalty shall be incarceration if the crime is committed by way of abandoning the juvenile or disabled in a deserted place, or if it is committed by an ascendant of the victim or by any person whose duty is to protect and take care of the victim. If permanent disability or death of the victim has resulted from the act, without any intention on the part of the perpetrator to cause disability or death, the latter shall be punished with the penalty prescribed for the crime of assault leading to a permanent disability or with the penalty for the assault leading to death, as the case may be.

Federal Law No 3 of 2016 on Child Rights Law (Wadeema) (10)

Article 69:

1. A person who violates the provision of Article (36) of this Law shall be punished by imprisonment for a term not less than one year and/or a fine of not less than (AED 50,000) fifty thousand dirhams and not more than (AED 100,000) one hundred thousand dirhams.
2. If the act is attributed to the child's parents, one of them or the child's custodian, the court may, instead of imposing the penalty specified in paragraph (1) of this Article, rule, for a period determined by the court, to impose one or more of the following measures:
 - a. Performing a community service.
 - b. Placement in a therapeutic shelter.
 - c. Subjecting them to one or more rehabilitation and guidance programs.
 - d. Suspension of custody of the child, taking into account the provisions of applicable laws regarding custody of a person. If the court rules to suspend custody, it shall refer the matter to the competent family court to appoint a custodian for the child, pursuant to the legislation in force in the State.

Penalties for procuring, aiding or abetting FGM/C

UAE Federal Decree Law (No 31 of 2021) Promulgating the Crimes and Penalties Law (9):

Article (48): *Any person who participates in a crime, as a direct accomplice or as an accomplice by causation, shall be punished by its penalty, unless the law stipulates otherwise.*

Article (52): *The accomplice in the crime, directly or by causation, shall be punished by the penalty prescribed for the crime which has actually been committed, even if such crime is different from the one he has intended to commit, whenever the crime committed is a probable result of the complicity which has taken place.*

Articles 321: *Places a duty on public servants responsible for detecting and seizing crimes, and on any other public official, to report a crime that comes to their knowledge. A penalty of incarceration or a fine shall be imposed on any public servant in charge of detecting and seizing crimes, who fails or defers to report a crime that comes to his knowledge.*

Penalties for failing to report an incident of FGM/C

UAE Federal Decree Law (No 31 of 2021) Promulgating the Crimes and Penalties Law (9):

Article 321: *Any public servant in charge of detecting and seizing crimes, who fails or defers to report a crime that comes to his knowledge may be imprisoned for up to one year or be fined.*

Article (322): *Imprisonment for at least one year and/or a fine of not less than 20,000 AED will be imposed on any member of the medical or health profession who gives aid to a deceased or injured person that they know or believe is likely the result of a crime and does not inform the authorities.*

Article (323): *Imprisonment of up to one year or a fine will be imposed on anyone who becomes aware of a crime and fails to report it to the relevant authorities.*

Implementation of the law

There have been no criminal prosecutions in UAE against perpetrators of FGM/C under either the Federal Decree Promulgating Crimes and Penalties Law or the Federal Child Rights Law, or the Federal Law Concerning Medical Liability.

Role of the state

The United Arab Emirates has committed to ending child, early and forced marriage by 2030, in line with target 5.3 of the Sustainable Development Goals. While there is no direct link between child marriage and the practice of FGM/C, laws and practices relating to early marriage can provide an indication of girls' broader legal standing and the cultural environment in which FGM/C occurs.

Under the UAE's Personal Status Act No. 28 of 2005, the minimum legal age of marriage is 18. However, there are two exceptions that allow for marriage under the age of 18. First, girls and boys under the age of 18 may seek permission from a judge to marry, and that judge must, in turn, obtain the approval of the Ruler's Court. Second, with permission from both a judge and a wali, girls and boys may marry at any time after reaching puberty (15).

The prevalence of child marriage in the UAE is not known. The few studies into the practice have not established a prevalence rate, but have instead focused on the reasons for forced and early marriage. Girls Not Brides refers to a 2015 study which found that men from the UAE purchase Egyptian women and girls for 'temporary' or 'summer' marriages for the purpose of forced labour or prostitution, as a way of bypassing human-trafficking laws as well as Islamic restrictions on sex outside marriage. The Government reported in 2023 that it had investigated 24 cases of sex trafficking involving 62 victims, three of whom were children (15).

Article 39 of the Child Rights Law commits Ministries to work together to ensure children are protected, and supported by the appointment of specialist child protection officers and establishment of child protection units:

The competent authorities and concerned bodies shall work in coordination with the Ministry on establishing child protection units aiming at developing and implementing child protection mechanisms and measures stipulated herein; and

The Executive Regulations of this Law shall determine the following:

- a. Competences of the child protection units and the operating mechanisms thereof; and*
- b. Requirements to be met by the child protection specialist.*

Internationally there has been pressure on the UAE to introduce legislation specifically to deal with FGM/C, and to undertake official surveys to assess the extent of FGM/C taking place in the UAE. To date, recommendations of international bodies remain unimplemented.

Committee for the Elimination of Discrimination Against Women (CEDAW)

In their Concluding Observations on UAE's 4th Periodic Review (July 2022) (16), the Committee noted:

[...] the lack of comprehensive data on the prevalence of female genital mutilation in the State party and the absence of legislation specifically criminalizing this harmful practice. It notes the response of the delegation that female genital mutilation no longer takes

place in the State party, but remains concerned that failure to compile comprehensive data to inform proactive measures to address female genital mutilation may give rise to an increase in this harmful practice and its social legitimization.’(Para 28)

And recommended:

[...] the State party adopt legislation to specifically criminalize female genital mutilation, prosecute and adequately punish perpetrators and facilitators under existing applicable criminal law provisions, and systematically collect data in order to inform a robust and evidence-based approach to eliminating this harmful practice. The Committee also recommends that the State party conduct awareness-raising and educational campaigns aimed at promoting understanding of the criminal nature of, and the need to eliminate, female genital mutilation, in particular among medical staff, parents, community leaders, religious scholars, and men and boys.

UN Human Rights Council

In May 2025 the **UN’s Human Rights Council** presented to the General Assembly the Report of the visit to UAE by their Special Rapporteur on Violence Against Women and Girls: its causes and consequences, in which it was noted:

The Special Rapporteur is concerned that the United Arab Emirates has not yet adopted legislation to criminalize female genital mutilation, despite evidence that the practice remains prevalent in the country. While comprehensive national statistics are lacking, a study conducted between 2016 and 2017 found a prevalence rate of over 41 per cent among female participants. More than 69 per cent of participants viewed female genital mutilation as a social custom, while only 5 per cent considered it a religious obligation; 20 per cent saw it as a recommended act. Nevertheless, approximately 73 per cent of participants opposed the practice.’(para 75)

Organisation of Islamic Cooperation:

UAE has been a member of the **Organisation of Islamic Cooperation** since 1972. UAE has not signed the Cairo Declaration on the Elimination of FGM (in June 2003); it has not been signed by any of the Gulf States or Middle Eastern countries as it was seen as only relevant to African members of OIC. However, in February 2025, the OIC’s Independent Permanent Human Rights Commission (IPHRC) issued a statement on behalf of its membership on the occasion of the ‘International Day of Zero Tolerance for Female Genital Mutilation 2025’, in which it made an emphatic call for an end to all forms of violence against women, including Female Genital Mutilation in accordance with international human rights standards. This statement is reproduced at Annex 4 (17).

This OIC IPHRC's statement calls on member states to take

urgent and coordinated action to eliminate FGM by: a) enacting and enforcing legislation to eliminate FGM and other harmful practices, b) implementing effective measures to protect women and girls from harmful practices, and c) conducting widespread awareness and advocacy campaigns about the dangers of FGM and to dispel misconceptions regarding its religious basis.

Reference to ending harmful practices is also made in the OIC's Plan of Action for the Advancement of Women (OPAAW) which was adopted by OIC's Sixth Session of the Ministerial Conference on the Role of Women in the Development of OIC Member States held in Istanbul in November 2016 (18). The following statements reference this commitment:

Objective No 6: *Protection of Women from Violence: Combating all forms of gender-based violence, human trafficking and other harmful traditional practices against women and girls. Combating different forms of violence against women and girls including deprivation of opportunities and full enjoyment of their rights through preventive measures and provisions of rehabilitation to victims and punishment of perpetrators.*

Section 6 (g): *Contributing to eradication of all harmful practices, in particular, female genital mutilation through strong political support and involvement of religious and community leaders.*

And in the matrices setting out the Mechanisms for Implementation:

Contributing to eradication of all harmful practices, in particular, female genital mutilation through strong political support and involvement of religious and community leaders (18 p.9).

Combating gender-based violence in all its manifestations, including domestic violence, human trafficking, fighting harmful traditional practices and violence against displaced women (18 p. 36).

Integrate sexual and gender-based violence response, including child violence in all humanitarian policies and develop channels of communication to denounce these harmful practices and provide necessary assistance to victims (18 p.40).

Civil Society Observations

While the UAE Constitution 'guarantees the rights of individuals to form associations', in practice freedom of association and the formation of civil society associations and NGOs are subject to strict regulations and limitations on their activities, which can affect their ability to function independently of government oversight (19). The law relating to the formation of civil society associations and NGOs in the UAE is a complex mix of a federal legal framework and laws governing individual emirates, such as Dubai Law No. 12 of 2017 on the Regulation of Non-Governmental Organisations in the Emirate of Dubai. National security is the reason most often given by the UAE Government for suppressing assemblies or meetings deemed to threaten the state's stability (19).

The Stop FGM Middle East organization has a webpage dedicated to the UAE (20), and Equality Now notes that while FGM/C is prohibited in government clinics and hospitals, 'UAE lack explicit laws criminalizing FGM, allowing the practice to persist' (21).

Conclusions

While there are no legislative provisions dealing directly with FGM/C in the UAE, there are several pieces of legislation that may be read as being relevant to FGM/C:

UAE Federal Decree Law No 4 of 2016 Concerning Medical Liability:

This applies to all medical professionals practicing within the UAE

It prohibits procedures being carried out if they are not deemed medically necessary and in accordance with recognised scientific medical standards

Commission of an offence results in a fine and/or prison sentence.

UAE Federal Decree Law No 31 of 2021 Promulgating the Crimes and Penalties Law:

Includes various crimes of assault to varying degrees of severity, the commission of which is punishable by a prison sentence, including where such assault results in a permanent injury or disability

Also includes the offence of 'endangering' a minor (under aged 15)

However, Article 54(1) includes an exemption from criminality for medical professionals where medical surgery or medical treatments is carried out 'in accordance with traditional medicinal standards.'

Applies to the UAE but also has extraterritorial effect where an individual performs an act outside the UAE: that causes him to have committed a crime in part or in whole in the UAE; and/or is performed by a citizen or permanent resident of the UAE.

UAE Federal Law No 3 of 2016 on Child Rights Law (Wadeema):

Enshrines various rights of children within UAE law, including the right to protection and safety, the right to life and the right to receive health services 'in accordance with the laws and regulations of health care in force in the State.'

Includes prohibitions on children being exposed to 'arbitrary intervention or illegal procedure/s' and/or 'torture or physical assault or ...any act that would compromise the child's emotional, psychological, mental or moral safety.'

Obliges the State to implement appropriate child protection measures.

Recommendations

Research demonstrates that while important, legislation against FGM/C should be part of a holistic, multi-sectoral approach to effectively work toward elimination of the practice. Enforcement of the law without a holistic approach can lead to fear and pushing the practice underground.

The following recommendations, therefore, should be considered alongside holistic and multi-sectoral approaches to ending the practice.

1. Introduce a law that explicitly prohibits and criminalises FGM/C in UAE. This law should cover perpetrators; procuring aiding and abetting FGM/C; providing tools and premises for the purposes of FGM/C; and failure to report a planned or past incident of FGM/C. **OR:**
2. amend the UAE Penal Code to define and make specific reference to FGM/C as a criminal offence.

Guidance on the features that should be included in a law against FGM/C are set out in Orchid Project's Model Law report, which is available [here](#).

3. Develop Ministry of Health guidelines on the dangers of FGM/C for all professional medical, health and welfare staff working in the UAE's hospitals and clinics, including midwives, doctors and nurses, and forbid the practice from being undertaken in both public and private health facilities, with penalties for doing so that include their licence to practice medicine being withdrawn.
4. Strengthen border controls, to deter perpetrators from FGM/C originating countries from entering the UAE with the intention of undertaking FGC within the UAE.
5. Undertake a national statistical and disaggregated survey of the UAE to reliably determine prevalence and features of the practice of FGM/C, including surveying those who have already undergone FGM/C or are at risk of undergoing FGM/C, and assessing the extent to which medicalisation of the practice is taking place.

Appendix 1: International and Regional Treaties

Treaty	Signed	Ratified	Acceded	Reservations on reporting
Convention on the Elimination of All forms of Discrimination Against Women (1979) (CEDAW)			6 October 2004	<i>Article 2(f): The United Arab Emirates, being of the opinion that this paragraph violates the rules of inheritance established in accordance with the precepts of the Sharia, makes a reservation thereto and does not consider itself bound by the provisions thereof.</i> <i>Article 9: The United Arab Emirates, considering the acquisition of nationality an internal matter which is governed, and the conditions and controls of which are established, by national legislation makes a reservation to this article and does not consider itself bound by the provisions thereof.</i> <i>Article 15(2): The United Arab Emirates, considering this paragraph in conflict with the precepts of the Shariah regarding legal capacity, testimony and the right to conclude contracts, makes a reservation to the said paragraph of the said article and does not consider itself bound by the provisions thereof.</i> <i>Article 16: The United Arab Emirates will abide by the provisions of this article in so far as they are not in conflict with the principles of the Shariah. The United Arab Emirates considers that the payment of a dower and of support after divorce is an</i>

				<i>obligation of the husband, and the husband has the right to divorce, just as the wife has her independent financial security and her full rights to her property and is not required to pay her husband's or her own expenses out of her own property. The Shariah makes a woman's right to divorce conditional on a judicial decision, in a case in which she has been harmed.</i> <i>Article 29(1): The United Arab Emirates appreciates and respects the functions of this article which provides; "Any dispute between two or more States parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months [...] the parties are unable [...] [any one of those parties] "may refer the dispute to the International Court of Justice [...]" This article, however, violates the general principle that matters are submitted to an arbitration panel by agreement between the parties. In addition, it might provide an opening for certain States to bring other States to trial in defence of their nationals; the case might then be referred to the committee charged with discussing the State reports required by the Convention and a decision might be handed down against the State in question for violating the provisions of the Convention. For these reasons the United Arab Emirates makes a reservation to this article and does not</i>
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				<i>consider itself bound by the provisions thereof.'</i>
Organisation of Islamic Co-operation (OIC) – Cairo Declaration on the Elimination of FGM (CDEFGM) (2003)	N/A	N/A	N/A	N/A
Convention on the Rights of the Child (1989) (CRC)			3 January 1997	<i>Article 7: The United Arab Emirates is of the view that the acquisition of nationality is an internal matter and one that is regulated and whose terms and conditions are established by national legislation.</i> <i>Article 14: The United Arab Emirates shall be bound by the tenor of this article to the extent that it does not conflict with the principles and provisions of Islamic law.</i> <i>Article 17: While the United Arab Emirates appreciates and respects the functions assigned to the mass media by the article, it shall be bound by its provisions in the light of the requirements of domestic statutes and laws and, in accordance with the recognition accorded them in the preamble to the Convention, such a manner that the country's traditions and cultural values are not violated.</i> <i>Article 21: Since, given its commitment to the principles of Islamic law, the United Arab Emirates does not permit the system of adoption, it has reservations with respect to this article and does not deem it necessary to be bound by its provisions.</i>

'Signed': a treaty is signed by countries following negotiation and agreement of its contents.

'Ratified': once signed, most treaties and conventions must be ratified (i.e. approved through the standard national legislative procedure) to be legally effective in that country.

'Acceded': when a country ratifies a treaty that has already been negotiated by other states.

Annex 2: CEDAW General Recommendation No 14: Female Circumcision

FGM/C – UN CEDAW Committee General Recommendation No. 14 UN CEDAW COMMITTEE General Recommendation No. 14 (ninth session, 1990) Female circumcision

The Committee on the Elimination of Discrimination against Women, Concerned about the continuation of the practice of female circumcision and other traditional practices harmful to the health of women,

Noting with satisfaction that Governments, where such practices exist, national women's organizations, non-governmental organizations, and bodies of the United Nations system, such as the World Health Organization and the United Nations Children's Fund, as well as the Commission on Human Rights and its Sub- Commission on Prevention of Discrimination and Protection of Minorities, remain seized of the issue having particularly recognized that such traditional practices as female circumcision have serious health and other consequences for women and children,

Taking note with interest the study of the Special Rapporteur on Traditional Practices Affecting the Health of Women and Children, and of the study of the Special Working Group on Traditional Practices,

Recognizing that women are taking important action themselves to identify and to combat practices that are prejudicial to the health and well-being of women and children,

Convinced that the important action that is being taken by women and by all interested groups needs to be supported and encouraged by Governments,

Noting with grave concern that there are continuing cultural, traditional and economic pressures which help to perpetuate harmful practices, such as female circumcision,

Recommends that States parties:

- Take appropriate and effective measures with a view to eradicating the practice of female circumcision. Such measures could include :
 - The collection and dissemination by universities, medical or nursing associations, national women's organizations or other bodies of basic data about such traditional practices;

- The support of women's organizations at the national and local levels working for the elimination of female circumcision and other practices harmful to women;
- The encouragement of politicians, professionals, religious and community leaders at all levels, including the media and the arts, to co-operate in influencing attitudes towards the eradication of female circumcision;

The introduction of appropriate educational and training programmes and seminars based on research findings about the problems arising from female circumcision;

- Include in their national health policies appropriate strategies aimed at eradicating female circumcision in public health care. Such strategies could include the special responsibility of health personnel, including traditional birth attendants, to explain the harmful effects of female circumcision;

Invite assistance, information and advice from the appropriate organizations of the United Nations system to support and assist efforts being deployed to eliminate harmful traditional practices;

- Include in their reports to the Committee under articles 10 and 12 of the Convention on the Elimination of All Forms of Discrimination against Women information about measures taken to eliminate female circumcision.

Annex 3: Role of the State (UN: CEDAW/C/GC/31/Rev.1CRC/C/GC/18/Rev.1)

In 2019 the Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child issued Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment, and No. 18 of the Committee on the Rights of the Child (2019), on harmful practices.

Available at: [g1913442.pdf](#) or [www.documents.un.org/doc/undoc/gen/g19/134/42/pdf/g1913442.pdf](#)

The objective of this Joint General Recommendation/General Comment is to clarify the obligations of States party to the Conventions by providing authoritative guidance on legislative, policy and other appropriate measures that must be taken to ensure full compliance with their obligations under the Conventions to eliminate harmful practices.

This Joint Recommendation/General Comment sets out a framework that States should follow in order to eliminate harmful practices. Of particular note are the recommendations as set out below:

Article 39. The Committees recommend that the States parties to the Conventions:

- (a) Accord priority to the regular collection, analysis, dissemination and use of quantitative and qualitative data on harmful practices disaggregated by sex, age, geographical location, socioeconomic status, education level and other key factors, and ensure that such activities are adequately resourced. Regular data collection systems should be established and/or maintained in the health-care and social services, education and judicial and law enforcement sectors on protection-related issues;
- (b) Collect data through the use of national demographic and indicator surveys and censuses, which may be supplemented by data from nationally representative household surveys. Qualitative research should be conducted through focus group discussions, in-depth key informant interviews with a wide variety of stakeholders, structured observations, social mapping and other appropriate methodologies.

Article 55. The Committees recommend that the States parties to the Conventions adopt or amend legislation with a view to effectively addressing and eliminating harmful practices. In doing so, they should ensure:

- (a) That the process of drafting legislation is fully inclusive and participatory. For that purpose, they should conduct targeted advocacy and awareness-raising and use social mobilization measures to generate broad public knowledge of and support for the drafting, adoption, dissemination and implementation of the legislation;
- (b) That the legislation is in full compliance with the relevant obligations outlined in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and other international human rights standards that prohibit harmful practices and that it takes precedence over customary, traditional or religious laws that allow, condone or prescribe any harmful practice, especially in countries with plural legal systems;
- (c) That they repeal without further delay all legislation that condones, allows or leads to harmful practices, including traditional, customary or religious laws and any legislation that accepts the defence of honour as a defence or mitigating factor in the commission of crimes in the name of so-called honour;
- (d) That the legislation is consistent and comprehensive and provides detailed guidance on prevention, protection, support and follow-up services and assistance for victims, including towards their physical and psychological recovery and social reintegration, and is complemented by adequate civil and/or administrative legislative provisions;
- (e) That the legislation adequately addresses, including by providing the basis for the adoption of temporary special measures, the root causes of harmful practices, including discrimination on the basis of sex, gender, age and other intersecting factors, focuses on the human rights and needs of the victims and fully takes into account the best interests of children and women;
- (f) That a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years;
- (g) That a legal requirement of marriage registration is established and effective implementation is provided through awareness-raising, education and the existence of adequate infrastructure to make registration accessible to all persons within their jurisdiction;
- (h) That a national system of compulsory, accessible and free birth registration is established in order to effectively prevent harmful practices, including child marriage;
- (i) That national human rights institutions are mandated to consider individual complaints and petitions and carry out investigations, including those submitted on behalf of or directly by women and children, in a confidential, gender sensitive and child-friendly manner;
- (j) That it is made mandatory by law for professionals and institutions working for and with children and women to report actual incidents or the risk of such incidents if they

have reasonable grounds to believe that a harmful practice has occurred or may occur. Mandatory reporting responsibilities should ensure the protection of the privacy and confidentiality of those who report;

(k) That all initiatives to draft and amend criminal laws must be coupled with protection measures and services for victims and those who are at risk of being subjected to harmful practices;

(l) That legislation establishes jurisdiction over offences of harmful practices that applies to nationals of the State party and habitual residents even when they are committed in a State in which they are not criminalized;

(m) That legislation and policies relating to immigration and asylum recognize the risk of being subjected to harmful practices or being persecuted as a result of such practices as a ground for granting asylum. Consideration should also be given, on a case-by-case basis, to providing protection to a relative who may be accompanying the girl or woman;

(n) That the legislation includes provisions on regular evaluation and monitoring, including in relation to implementation, enforcement and follow-up;

(o) That women and children subjected to harmful practices have equal access to justice, including by addressing legal and practical barriers to initiating legal proceedings, such as the limitation period, and that the perpetrators and those who aid or condone such practices are held accountable;

(p) That the legislation includes mandatory restraining or protection orders to safeguard those at risk of harmful practices and provides for their safety and measures to protect victims from retribution;

(q) That victims of violations have equal access to legal remedies and appropriate reparations in practice.

Article 69. The Committees recommend that the States parties to the Conventions:

(a) Provide universal, free and compulsory primary education that is girl friendly, including in remote and rural areas, consider making secondary education mandatory while also providing economic incentives for pregnant girls and adolescent mothers to complete secondary school and establish non-discriminatory return policies;

(b) Provide girls and women with educational and economic opportunities in a safe and enabling environment where they can develop their self-esteem, awareness of their rights and communication, negotiation and problem-solving skills;

(c) Include in the educational curriculum information on human rights, including those of women and children, gender equality and self-awareness and contribute to eliminating gender stereotypes and fostering an environment of non-discrimination;

- (d) Ensure that schools provide age-appropriate information on sexual and reproductive health and rights, including in relation to gender relations and responsible sexual behaviour, HIV prevention, nutrition and protection from violence and harmful practices;
- e) Ensure access to non-formal education programmes for girls who have dropped out of regular schooling, or who have never enrolled and are illiterate, and monitor the quality of those programmes;
- (f) Engage men and boys in creating an enabling environment that supports the empowerment of women and girls.

Article 73: The Committees recommend that the States parties to the Conventions:

- (a) Provide all relevant front-line professionals with information on harmful practices and applicable human rights norms and standards and ensure that they are adequately trained to prevent, identify and respond to incidents of harmful practices, including mitigating negative effects for victims and helping them to gain access to remedies and appropriate services;
- (b) Provide training to individuals involved in alternative dispute resolution and traditional justice systems to appropriately apply key human rights principles, especially the best interests of the child and the participation of children in administrative and judicial proceedings;
- (c) Provide training to all law enforcement personnel, including the judiciary, on new and existing legislation prohibiting harmful practices and ensure that they are aware of the rights of women and children and of their role in prosecuting perpetrators and protecting victims of harmful practices;
- (d) Conduct specialized awareness and training programmes for health-care providers working with immigrant communities to address the unique health-care needs of children and women who have undergone female genital mutilation or other harmful practices and provide specialized training also for professionals within child welfare services and services focused on the rights of women and the education and police and justice sectors, politicians and media personnel working with migrant girls and women.

Article 81. The Committees recommend that the States parties to the Conventions:

- (a) Develop and adopt comprehensive awareness-raising programmes to challenge and change cultural and social attitudes, traditions and customs that underlie forms of behaviour that perpetuate harmful practices;
- (b) Ensure that awareness-raising programmes provide accurate information and clear and unified messages from trusted sources about the negative impact of harmful practices on women, children, in particular girls, their families and society at large. Such

programmes should include social media, the Internet and community communication and dissemination tools;

(c) Take all appropriate measures to ensure that stigma and discrimination are not perpetuated against the victims and/or practising immigrant or minority communities;

(d) Ensure that awareness-raising programmes targeting State structures engage decision makers and all relevant programmatic staff and key professionals working within local and national government and government agencies;

(e) Ensure that personnel of national human rights institutions are fully aware and sensitized to the human rights implications of harmful practices within the State party and that they receive support to promote the elimination of those practices;

(f) Initiate public discussions to prevent and promote the elimination of harmful practices, by engaging all relevant stakeholders in the preparation and implementation of the measures, including local leaders, practitioners, grass-roots organizations and religious communities. The activities should affirm the positive cultural principles of a community that are consistent with human rights and include information on experiences of successful elimination by formerly practising communities with similar backgrounds;

(g) Build or reinforce effective partnerships with the mainstream media to support the implementation of awareness-raising programmes and promote public discussions and encourage the creation and observance of self-regulatory mechanisms that respect the privacy of individuals.

Article 87. The Committees recommend that the States parties to the Conventions:

(a) Ensure that protection services are mandated and adequately resourced to provide all necessary prevention and protection services to children and women who are, or are at high risk of becoming, victims of harmful practices; (

b) Establish a free, 24-hour hotline that is staffed by trained counsellors, to enable victims to report instances when a harmful practice is likely to occur or has occurred, and provide referral to needed services and accurate information about harmful practices;

(c) Develop and implement capacity-building programmes on their role in protection for judicial officers, including judges, lawyers, prosecutors and all relevant stakeholders, on legislation prohibiting discrimination and on applying laws in a gender-sensitive and age-sensitive manner in conformity with the Conventions;

(d) Ensure that children participating in legal processes have access to appropriate child-sensitive services to safeguard their rights and safety and to limit the possible negative impacts of the proceedings. Protective action may include limiting the number of times that a victim is required to give a statement and not requiring that

individual to face the perpetrator or perpetrators. Other steps may include appointing a guardian ad litem (especially where the perpetrator is a parent or legal guardian) and ensuring that child victims have access to adequate child sensitive information about the process and fully understand what to expect;

(e) Ensure that migrant women and children have equal access to services, regardless of their legal status.

Annex 4: OIC statement dated 2 Feb 2025 (17)

OIC-IPHRC, on the occasion of the 'International Day of Zero Tolerance for Female Genital Mutilation 2025', made an emphatic call for an end to all forms of violence against women, including Female Genital Mutilation in accordance with the international human rights standards.

Jeddah, 6th February 2025: The Independent Permanent Human Rights Commission (IPHRC) of the Organization of Islamic Cooperation (OIC) joins the international community in commemorating the 'International Day of Zero Tolerance for Female Genital Mutilation (FGM) 2025' and strongly condemns all forms of violence against women and girls, including the harmful practice of Female Genital Mutilation (FGM). The Commission reaffirms that FGM is a deeply entrenched traditional practice with no religious justification and stands in clear violation of human rights.

The Commission emphasizes that Islam upholds the dignity and rights of women and categorically rejects practices that cause physical, psychological, or emotional harm. It is estimated that over 230 million girls and women worldwide have suffered the effects of FGM and that an estimated 27 million additional girls are at risk of undergoing FGM by 2030 unless action is accelerated¹. FGM violates several human rights outlined under the Universal Declaration of Human Rights, the Convention on the Elimination of all Forms of Discrimination against Women, and the Convention on the Rights of the Child. The practice of FGM is recognized internationally as a violation of the human rights of girls and women. It is mainly carried out on minors and is a violation of the rights of the girl child. The practice also violates a person's right to health, security, and physical integrity; the right to be free from torture and cruel, inhuman, or degrading treatment; and the right to life in instances when the procedure results in death.

The Commission acknowledges and appreciates efforts being taken by the Member States against this practice that endangers the physical and psychological health of women and girls. It was concluded at the Second Islamic Conference of Ministers in charge of Childhood held in Khartoum in 2009² that FGM is a violation of the human rights of girls and women. OIC has adopted 'The Cairo Declaration of the OIC on Human Rights³', in which specific sections are included on 'Human Rights of Women,' which calls for the protection of women against all forms of discrimination, violence, abuse, and harmful traditional practices. Also, OIC welcomed the UN General Assembly resolution 67/146, entitled, Intensifying global efforts for the elimination of female genital mutilations⁴ and resolution 67/144, entitled, Intensification of efforts to eliminate all forms of violence against women⁵, both of which were adopted without a vote. Human Rights Council adopted resolution 44/16 on the elimination of FGM to speed up efforts to reach zero tolerance for FGM by 2030 and to restate

the global ban on the harmful practice as it constitutes a serious violation of women rights. Goal 5 of the 2030 Agenda for Sustainable Development⁷ calls for eliminating FGM. The International Islamic Fiqh Academy, in its Resolution No. 220 (4/23)⁸, categorically stated that female genital mutilation is prohibited in Islam. Accordingly, the OIC Plan of Action for the Advancement of Women (OPAAW)⁹ and its comprehensive implementation mechanism, while supporting international efforts, calls for the eradication of all harmful practices, in particular, FGM.

The Commission calls for collective efforts to empower women and girls through education, healthcare, and legal protection. It calls upon governments, civil society organizations, and the media to take urgent and coordinated action to eliminate FGM. Human rights-based approaches to eradication include, but are not limited to, the enforcement of laws, education programs focused on empowerment, and campaigns to recruit change agents from within communities. Accordingly, the Commission urges governments to: (a) enact and enforce legislation to eliminate FGM and other harmful practices; (b) implement effective administrative measures to protect women and girls from harmful practices and violence and ensure accountability; (c) conduct widespread awareness and advocacy campaigns to educate the public on the dangers of FGM and dispel misconceptions regarding its religious basis. In this regard, the Commission, while respecting cultural sensitivities and national laws, affirmed its readiness to work together with all relevant OIC institutions and Member States to bring an end to all forms of violence, bias, and discrimination against women.

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Disclaimer

This report analyses and discusses the application of national (criminal) laws to the commission of FGM/C and any possible related crimes. It also explores other legal factors deemed relevant, such as legal obligations to report the commission or likely upcoming commission of FGM/C, available legal protective measures for girls and women at risk of FGM/C, and any obligations of national governments in relation to FGM/C.

The initial research conducted for this report consisted of a questionnaire prepared by Hogan Lovells International LLP with input from certain local law firms, local non-governmental organisations and/or other information providers (together, the Information Providers). The information contained in the responses to that questionnaire was then reviewed by Orchid Project, updated and used as the basis of further research from relevant sources.

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It should be noted that in many countries there is a lack of legal precedent for the penalties laid out in the law, meaning that, in practice, lesser penalties may be applied. The information contained in the report is provided as at the date of this report or as otherwise noted in the report. Neither the Information Providers nor Orchid Project are under any obligation to update this report subsequent to its date.

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Orchid Project seeks updates on the data and invites comments on the content and suggestions as to how this report can be improved. For more information, please contact Orchid Project at research@orchidproject.org.

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