



## United Kingdom in the United Arab Emirates

# Information on Child Abduction in the UAE

### Disclaimer

Any information contained in these pages relating to the legal system in UAE is provided for general information only. Independent legal advice should be sought in the UAE for specific information relating to individual cases. This information is not meant to be definitive, nor is it to be taken as a substitute for independent legal advice. Neither Her Majesty's Government nor its staff take any responsibility for the accuracy of the information, nor accept liability for any loss, costs, damage or expense that you might suffer as a result of relying on the information. Some of the information may not be relevant to your circumstances. The language used is intended to be general and factual, and is not meant to cause offence.

### Summary

When a child is abducted abroad, the different procedures, laws or language can cause additional distress. You may be uncertain about what to do and who to contact.

This information is country specific, and is designed to help you make practical arrangements. It supplements general information on child abduction and International parental child abduction ([www.gov.uk/government/publications/international-parental-child-abduction](http://www.gov.uk/government/publications/international-parental-child-abduction)).

### How to contact the Foreign, Commonwealth & Development Office (FCDO)

You can speak to someone 24 hours of any day of the year by contacting the FCDO:

- In the UK on +44 207 008 1500
- In Abu Dhabi on +971 2 610 1100
- In Dubai on +971 4 309 4444

**Author: British Embassy Dubai**

**Date: December 2020**

## International Parental Child Abduction

International parental child abduction is when one parent removes a child from the country where they are habitually resident and takes them to another country, without the consent of the other people who have parental responsibility for the child or in breach of a court order preventing their removal.

Although the abduction of a child from the UK to the UAE is not automatically a crime in the UAE, there is an extradition treaty between the two countries which may result in an abducting parent being extradited back to the UK. Parental child abduction is, however, a criminal offence in the UAE if a parent or grandparent abducts their own child or grandchild from the person who has legal guardianship or custody as established by a UAE judicial decision.

The UAE has not signed the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The Hague Convention seeks to return children abducted or retained overseas by a parent to their country of habitual residence, for the courts of that country to decide on matters of residence and contact.

There is no agreed international system in place to return children from UAE to the UK. Therefore, parental child abduction cases from the UK to UAE are often difficult to resolve. Neither the British government nor the British Embassy can force the abducting parent or the UAE government to return a child to the UK.

## Custody Issues

This section constitutes general information on the UAE system. For detailed information and advice on how the law may apply to the circumstances of individual cases, independent legal advice should be sought in UAE.

While UK Court Orders aren't recognised in the UAE, they can be submitted as part of a child custody case for consideration by the UAE Courts. A local lawyer in UAE will be able to advise whether this is appropriate in individual circumstances.

There is no legal aid available in the UAE, however a list of local lawyers who can help you if you require legal advice can be found here: [www.gov.uk/government/publications/united-arab-emirates-list-of-lawyers](http://www.gov.uk/government/publications/united-arab-emirates-list-of-lawyers).

UAE Personal Affairs Law, which is based on Islamic principles, applies in custody dispute cases. Under Personal Affairs Law, after divorce proceedings take place, Muslim mothers keep custody of girls under thirteen years old and boys under eleven years old. After this, custody may be transferred to the father or the father's family if directed by the Sharia Court (unless the court believes extending the age limit is for the benefit of the child). If the mother is found to be unsuitable, her behaviour is considered to be inconsistent with Islamic faith or if she remarries, the courts may decide not to award her custody.

With respect to non-Muslims, the law of the child's birth place applies as long as it does not conflict with federal local laws. Foreign nationals are able to ask for their case to be heard under the law of their own country of origin when the case is first presented. The law of their own country cannot be applied (or used to challenge a verdict) once the case has started in the UAE courts.

In the UAE, if the father of a child is Muslim, the child will be regarded as Muslim. Under UAE Personal Affairs Law, to take custody of a child, the parent of the child must be of the same

religion as the child. If the custodian of a child is the mother and she is of a different religion to the child, then her custody will be annulled unless decided otherwise by a judge. Appeals are possible if lodged within thirty days after the court decision on custody is made. Marriages between a Muslim women and a non-Muslim man are not recognised in UAE.

The parent who does not have custody is entitled contact with the child subject to a judicial decision. The judgement will be forcibly executed if the parent with custody refuses to abide by it.

## Travel

If the mother has legal custody and wants to travel out of the UAE with her child she must first check judgement to make sure it is legal. She may have to get written approval from the child's father. If the father refuses, the matter can be brought before a judge. It is possible for a parent to apply to the court for a travel ban to be issued to prevent a spouse or child from leaving the country. If there is a travel ban in place, the person will be stopped at the airport and prevented from leaving the country.

The UAE does not recognise dual nationality, therefore, a person has to enter and exit the UAE on the same nationality passport. A UK Emergency Travel Document (ETD) may be used to travel in an emergency if the British passport has been lost or stolen. In order to obtain an ETD, permission may be required from another parent. For ETDs and new passports an exit stamp from immigration is required. If there is a travel ban on the holder, they will not be able to get the exit stamp until the ban is lifted and therefore, will not be able to leave the country.

## Mediation

Mediation is an option when parents are not able to reach an amicable agreement between themselves about their children's future, but do not wish to take court action. A neutral party, or mediator, can assist in enabling parents to form a mutually acceptable decision on custody and contact with their children.

## Organisations and Local services

- Reunite is a leading UK charity who specialise in parental child abduction and the movement of British national children across international borders. They provide advice, support, mediation and policy information on the issues surrounding the international movement of children. They aim to support parents, guardians and family members who have had their child abducted. For more information about Reunite and their services, please visit their website: [www.reunite.org](http://www.reunite.org).
- The Dubai Foundation for Women and Children (DFWAC) was set up in July 2007 by His Highness Sheikh Mohammed bin Rashid Al Maktoum. The non-profit shelter provides a 24 hour hotline (tel.: 800 111) whereby a person can call to receive information on DFWAC services and request emergency assistance. Some of the services they offer for women are: ongoing case management and referral, refuge for women and children who are victims of domestic violence, support planning and counselling. For more information see the DFWAC website: [www.dfwac.ae/](http://www.dfwac.ae/).
- On our website, there is a list of local charities and counsellors who are able to assist in the UAE: [www.gov.uk/government/publications/united-arab-emirates-list-of-counsellors-and-charitable-organisations](http://www.gov.uk/government/publications/united-arab-emirates-list-of-counsellors-and-charitable-organisations).