

## inBrief



## The UAE's New Abortion Decision: Expanding Cases of Permissible Abortion

By Chatura Randeniya and Shirin Nasiri | 11 July 2024

The UAE recently amended its legal framework on abortion to expand the circumstances under which abortions are permitted and ease the rules regarding the circumstances under which abortions are permissible. Cabinet Decision No. 44/2024 (the **Decision**) came into effect on 21 June 2024 and progressively changed UAE's law on abortion.

Prior to the Decision, abortions were only allowed in two cases: if the pregnant woman's life was at risk (Case 1), or if the foetus had a severe deformity (Case 2). Article 4 of the Decision recognises three additional cases where abortions are permissible:

1. **Non-consensual Pregnancy** - This includes a pregnancy that occurs because of an act committed against the woman's will, without her consent, or through coercion, such as rape (Case 3).
2. **Incestuous Pregnancy** - In cases where pregnancy is a result of incest (Case 4).
3. **Spousal Request** - If both spouses request an abortion, which is subject to approval by a specialised medical committee (Case 5). This is considered to be the most significant change introduced by the Decision.

The Decision applies to both Emiratis and expatriates. However, an expatriate woman seeking an abortion must have legally resided in the UAE for at least one year before making a request for an abortion. The Decision also sets conditions and certain controls for performing abortions, including:

- Only medical facilities authorised by the Health Authority (i.e. the Ministry of Health, or any federal or local government entity responsible for health affairs in the UAE) may conduct abortions.
- Only doctors specialising in obstetrics and gynaecology may perform the procedures.
- The performance of the abortion should not result in any medical complications or pose a risk to the woman's life.

### The Authors



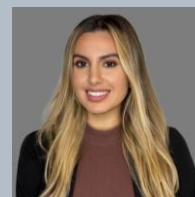
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Chatura's practice focuses primarily on dispute resolution. He advises and represents clients in arbitration, and has represented clients in DIAC, ADCCAC, ICC and ad hoc arbitrations. He also works with local advocates on matters before the UAE Federal courts. Chatura regularly advises clients in high value construction, and maritime and shipping disputes. He is admitted as Attorney-at-Law of the Supreme Court of Sri Lanka. He is a ranked practitioner by Chambers and Partners and Legal 500.



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- At the time of the abortion, the pregnancy should not have exceeded 120 days.
- Unless in an emergency, the woman's written consent is required (if she is unable to give consent, the consent of her husband or guardian is required).

The Decision requires the formation of a committee at the level of each Health Authority in the UAE, which must include three doctors and a member of the Public Prosecution Department. The approval of a committee is required prior to performing an abortion.

Nevertheless, the Decision does not set out the criteria to be considered by the committee in making its decisions. It is expected that this will be addressed by the legislature in due course. ■

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