

Cabinet Resolution No. (44) of 2024

Concerning the Permitted Abortion Cases

The Cabinet,

- Upon reviewing the Constitution; and
- Federal Law No. (1) of 1972, Concerning the Competences of Ministries and Capacities of Ministers, as amended; and
- Federal Decree by Law No. (4) of 2016, Concerning Medical Liability, as amended; and
- Federal Law No. (5) of 2019, Regulating the Practice of Human Medicine Profession; and
- In accordance with the proposals of the Ministry of Health and Prevention and the approval of the Cabinet,

Has resolved as follows:

Article (1)

Definitions

In applying the provisions of this Resolution, the following words and phrases shall have the meanings assigned thereto, unless the context otherwise requires:

- State** : United Arab Emirates.
- Ministry** : Ministry of Health & Prevention.
- Minister** : Minister of Health & Prevention.
- Health Authority** : The Ministry or any federal or local government authority concerned with health affairs in the State.
- Health Facility** : A government or private Health Facility authorised by the Health Authority to perform abortions.
- Committee** : The Committee stipulated in Article (6) of this Law.

Article (2)

Objectives

The objective of this Resolution is to attain the following:

1. Preserve women health and the safety and stability of society by regulating certain permitted abortion cases and clarifying their conditions, controls and related procedures.
2. Reduce illegal practices related to unsafe disposal of unwanted pregnancies.

Article (3)

Scope of Application

The provisions of this resolution shall apply to abortion operations in the cases specified in this resolution, and in Health Facilities authorised to perform such operations.

Article (4)

Other Cases of Abortion Operations

1. In addition to the cases stipulated in Article (16) of Decree by Law No. (4) of 2016 referred to, an abortion may be performed in any of the following cases:
 - a. If the pregnancy is the result of having intercourse with a female against her will, without her consent, or with a will that is not taken into account.
 - b. If the person who caused the pregnancy is one of the woman relatives or with whom marriage would be considered permanently unlawful.
 - c. Based on the request of the spouses, after the approval of the Committee.
2. The cases stipulated in Paragraphs (a) and (b) of Clause (1) of this Article shall be proven by official report issued by the Competent Public Prosecution Office in the State, which explains the details of the incident, its causes, its parties, and the procedures taken in this regard.

Article (5)

Abortion Terms and Conditions

When performing abortion, the Health Facility shall comply as follows:

1. The Health Facility shall be authorised to perform abortions by the Competent Health Authority in accordance with the controls specified by a resolution issued by the Minister in coordination with the Health Authorities.
2. The abortion shall be performed by obstetrician-gynaecologist licensed to practice the profession within the State under Federal Law No. (5) of 2019 referred to, and with the approval of the treating physician for the medical condition justifying the abortion.
3. The abortion shall not result in any medical complications that pose a threat to the pregnant woman life.
4. The pregnancy period at the time of the abortion shall not exceed (120) one hundred and twenty days.
5. Written consent from the pregnant woman before performing the abortion procedure. If it is not possible to obtain her consent, the consent of her husband or guardian shall be required in the absence of the husband. It is not required to obtain the consent of any of them in emergency cases.
6. If the pregnant woman is a non-citizen, she shall carry a valid residence permit in the State, for a period of no less than one year prior to the date of submitting the request to perform the abortion procedure.
7. The concerned doctors in the Health Facility shall prepare a report on the case, stating the duration of the pregnancy and explaining the justifications for performing the abortion, the necessary approvals, and the procedures taken concerning the pregnant woman from the moment she entered the Health Facility.
8. The Committee approval to perform the abortion.
9. Provide medical and social advice before and after abortion for pregnant women.

Article (6)

Procedures for Regulating Permitted Abortions

1. Committee shall be formed in each Health Authority by a resolution of the Minister or the head of the Health Authority, provided that its membership includes (3) three doctors, one of whom is obstetrician-gynaecologist and psychiatrist, in addition to a member of the Public Prosecution. It may also seek the assistance of whomever it deems appropriate from among those with specialisation and experience.
2. The Committee may, before issuing its decision, request any additional documents or data related to the case.
3. The Committee shall review the abortion requests referred to it by the Health Facility, and decide on them within (5) five working days from the date of submission of the request. Its decision shall be either to approve the request to perform the abortion procedure or to reject it, provided that the decision is reasoned. The Committee may seek the opinion of any of the legal opinion entities accredited in the State.
4. The Committee shall issue its decisions by consensus, and in the event of a dispute, the matter shall be referred to the Minister or the head of the Health Authority.
5. The pregnant woman, her husband or her guardian may appeal the Committee decision before the Minister or the head of the Health Authority within (5) five working days from the date of notice. The decision issued by the Minister or the head of the Health Authority shall be final.

Article (7)

General Provisions

1. The Health Authority shall develop a policy that includes the responsibilities and obligations of Health Facilities and medical staff concerned with performing abortions for the cases specified in accordance with the provisions of this decision, in addition to the rights and responsibilities of the pregnant woman who undergoes abortion, and determining her health care requirements before and after the abortion.
2. The Health Authority shall undertake the tasks of monitoring and supervising Health Facilities that perform abortions, and assessing the extent of their compliance with the policy referred to in Clause (1) of this Article.

3. The Health Authority shall create a record that includes all data on Health Facilities and abortions performed. All applications submitted to the Committee and the decisions issued regarding them.
4. The Health Facility shall establish a system to keep the medical records of the pregnant woman who submitted abortion request, including reports, medical certificates, and any other relevant documents, and separate her personal identifying information related to the abortion process from the clinical data associated with it.
5. The Health Facility shall maintain the privacy and confidentiality of the personal data of the pregnant woman who submitted the abortion request, and not allow access to that data or sharing without her consent or the consent of her guardian or her legal representative if she is incapacitated or lacks capacity, in addition to the consent of the Health Authority, or based on a decision from the Public Prosecution or the Competent Court.

Article (8)

Executive Resolutions

The Minister or the head of the Local Authority, as the case may be, shall issue decisions and determine the necessary procedures to implement the provisions of this resolution.

Article (9)

Repeals

Any provision that violates or contradicts the provisions of this Resolution shall be repealed.

Article (10)

Publication and Enforcement

This Resolution shall be published in the Official Gazette and enter into force as of the day following the date of its publication.

Mohammed Bin Rashid Al Maktoum

Prime Minister

Issued by Us:

Date: 15 Shawwal 1445 A.H.

Corresponding to: 24 April 2024 AD