

Cabinet Resolution No. (71) Of 2020 Regarding Controls of Marriage for Those Who Have Attained Puberty Before the Age Of 18

The Cabinet,

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972 on the Competences of Ministries and Powers of Ministers, as amended;
- Federal Law No. (3) of 1993 Concerning the Federal Judiciary, as amended;
- Federal Law No. (10) of 1992 Promulgating the Law of Evidence in Civil and Commercial Transactions as amended;
- Federal Law No. (11) of 1992 Promulgating Civil Procedures Code, as amended; and
- Federal Law No. (28) of 2005 on Personal Status, as amended,
- And based on the proposal of the Minister of Justice,

Hereby resolves as follows:

Article (1)

In applying the provisions hereof, the following words and expressions shall have the meanings ascribed thereto respectively, unless the context requires otherwise.

The State : The United Arab Emirates

The Court : Sharia Court of First Instance or the Personal Status Chamber, as the case may be.

President of the Court : President of Sharia Court of First Instance or of the Personal Status Chamber, as the case may be.

Court

The Committee : The committee to be formed under a resolution of the Minister of Justice or the President of the local judicial body, as the case may be, in accordance with the provisions of this Resolution.

Medical Committee : The competent medical committee formed under a resolution of the Minister of Health and Prevention and which is provided for in Article (27) of Federal Law No. (28) of 2005 on Personal Status.

Article (2)

The provisions of this resolution shall apply to both early marriage permission applications submitted by the national citizens, unless the non-Muslims among them have particular provisions for their own religious creeds and sects, and early marriage permission applications to be submitted by non-nationals, unless either of them clings to the application of the law of his / her State.

Article (3)

Marriage permission shall be granted to whoever attains puberty before the age of 18 years subject to satisfying the controls stipulated herein.

Article (4)

A committee shall be formed under a resolution of the Minister of Justice or of the President of the local judicial body, as the case may be, to:

1. Consider the marriage permission application of those who have attained puberty before the age of 18.
2. Meet the fiancé, fiancée and the stakeholders.
3. Draw up an all-inclusive report on to what extent it is appropriate to grant or to opt out of granting the marriage permission.

Article (5)

In order to carry out its function, the Committee may:

1. Communicate with parents if deemed requisite and necessary for preparing the report.
2. Coordinate with the Court President as required by the case study.
3. Hear - without oath taking – the testimony of whomsoever it deems appropriate to help form

its opinion, and request access to any document or paper which, in its opinion, would help it draw up the report, provided that it shall keep a copy of the same in the file of the application.

4. Request the competent bodies to gather intelligence information about the fiancé and fiancée and their living and financial conditions.

Article (6)

For drawing up its report, the Committee shall abide by the following controls:

1. Ensure that both the fiancé and fiancée submit a certificate from the Medical Committee proving the full puberty and conforming that pregnancy and childbirth would not pose a risk as to the life of the fiancée.
2. Ensure the personal consent of the fiancée to prove that she is not compelled to get married to the fiancé.
3. Ensure that the fiancé is qualified enough to perform the marriage duties and is fully aware of the burden and responsibilities of marriage.
4. Ensure that the fiancé has submitted evidence confirming his ability to assume the expenses of marriage after marriage or has submitted a duly certified statement from his legal guardian or custodian undertaking that he shall spend on the married couple after marriage until they attain the age at which his peers earn a living.
5. Ensure in general that the pillars and conditions of valid marriage are met, and, in order to do this, the Committee shall ensure:
 - a. Absence of potential damage which is likely to take place after marriage in light of the social status and living conditions of each of them.
 - b. Verify the extent of compatibility between the fiancé and fiancée in terms of age and social and financial standing.
 - c. Ensure that the fiancé has provided the appropriate marital dwelling and is able to spend after marriage.
 - d. Ensure the extent to which the marriage would affect the educational and academic future of the fiancée.

Article (7)

The Committee shall submit to the President of the Court its report on the application submitted thereto, and such report shall be grounded and satisfying all the controls set out in Article (6) hereof.

Article (8)

The competent President of the Court shall issue a decision to permit or reject the marriage in light of the opinion provided by the Committee in its report. Prior to issuing such a decision, he shall task the Committee with satisfying any requirements deemed necessary for properly deciding on the application submitted.

The competent President of the court may permit the marriage of the applicant who has attained puberty before the age of 18 under certain exceptional cases in observance of traditional values and norms.

Article (9)

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

Mohammed bin Rashid Al Maktoum

Prime Minister

On 10 Rabi' Al-Awwal 1442 A.H

Corresponding to 27 October 2020 A.D