

Federal Decree Law No. (15) of 2020
Amending Certain Provisions of the Federal Law No. (3) of 1987
Concerning the Penal Code

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,

- Pursuant to the perusal of the Constitution;
- The Federal Law No. (1) of 1972 On the Mandates of Ministries and Powers of Ministers, as amended;
- The Federal Law No. (18) of 1978 On Crimes Against the Islamic Religion
- The Federal Law No. (3) of 1987 On the Promulgation of Penal Code, as amended; and
- In accordance with the proposals of the Minister of Justice and as approved by the Council of Ministers,

We do hereby enact the following Decree by Law:

Article One

- A. Articles (1), (26), (28), (66), (92), (121), (313) *Bis*, (323), (335), (354), (356), (358), (359), (360), (361), (362) and (382) of the said Federal Law No. (3) of 1987 Concerning the Penal Code shall be replaced as follows:

Article (1)

The provisions of the Islamic Shari'a shall apply to the retribution and blood money crimes. Other crimes and their respective punishments shall be provided for in accordance with the provisions of this Law and other applicable penal codes.

Article (26)

- A. Crimes shall be categorized into three types:
1. Felonies,
 2. Misdemeanors, and
 3. Offences
- B. The type of a crime shall be determined in accordance with the type of penalty provided for it in the law. Where a crime is punished by a fine or blood money in conjunction with another penalty, its type shall be determined according to this other penalty.

Article (28)

A felony is the crime that is punished by any of the following punishments:

1. Any of retribution punishments.
2. Capital punishment.
3. Life imprisonment.
4. Temporary imprisonment.

Article (66)

- A. Principal punishments are:
1. Retribution and blood money punishments.
 2. Capital punishment.
 3. Life imprisonment.
 4. Temporary imprisonment.
 5. Incarceration.
 6. Detention.
 7. Fine.
- B. Where the conditions to apply retribution or blood money punishment are not met, the Court shall impose to the punishments provided for in this Law or other penal codes as applicable.

Article (92)

The capital punishment shall override all other punishments with the exception of the proportionate fines and confiscation. Imprisonment punishment shall override, up to the extent of its term, incarceration punishment impose in any crime committed before issuing the said imprisonment punishment.

Article (121)

Where a foreigner is convicted for a felony and sentenced to any freedom restricting punishment, the court shall also order the deportation of the sentenced foreigner. In misdemeanors, the Court may order deportation in its sentence or to order deportation only in lieu of freedom restriction punishment.

As an exception to the above paragraph and to any other provision in any other law, the Court may not order the deportation of a foreigner if such a foreigner is a spouse of or a first degree relative to a UAE national, unless the sentence is issued in a crime against the security of the State.

Article (313) Bis

1. There shall be no punishment for consuming, possession or trading in alcohol drinks in the situations and at places allowed as per applicable legislations.
2. Subject to (1) of this Article, each Emirate shall regulate consuming, possession, dealing with and trading in alcohol drinks.
3. Whoever provides or sells alcohol drinks to any person of less than 21 years age or purchases them with the objective of provision to such person shall be subject to the punishments of incarceration and a fine of no less than AED One Hundred Thousand and no more than AED Five Hundred Thousand, or any of the two punishments. Whoever does any of the said actions after verifying that the age of the person to whom alcohol drinks are provided or sold is no less than 21 years according to his passport or any other official identification shall not be guilty of any crime.

Article (323)

Whoever receives or obtains, directly or indirectly, any funds from any person or party within or outside the UAE to do or to promote any of the actions provided for in Articles (319) and (320)

of this Law shall be subject to the punishments of incarceration for no less than one year and a fine of no less than AED Five Thousand, or any of the two punishments.

Article (335)

Whoever attempts suicide shall be subject to the punishments of incarceration for no more than six months or a fine of no more than AED Five Thousand, or both of the two punishments.

The Court may order the detention of the convicted defendant in a healing facility in lieu of the punishment determined for the crime in accordance with the controls provided for in Article (137) of this Law.

Whoever instigates or helps in any way other person to suicide, and the other person starts or commits suicide based on such instigation or help, shall be subject to the punishment of incarceration. Should the suiciding person is under 18 years of age or of a limited mental capacity, this shall constitute an aggravating circumstance.

The instigator shall be sentenced to the punishment prescribed for mediated murder or attempted murder, as applicable, in case the suiciding person or attempting suicide lacks mental capacity.

Article (354)

Without prejudice to the provisions of the Law on Juvenile Delinquents and Homeless, whoever uses coercion in having sexual intercourse with a female or sodomy with a male shall be sentenced to capital punishment. Coercion shall be considered as evident if the victim is below fourteen years of age at the time when the crime occurs, or if the victim is of no free will due to young age, lunacy, or insanity.

Article (356)

Without prejudice to the previous two Articles, whoever commits sexual molestation of any person through coercion, threat or deceit, shall be subject to the punishment of temporary imprisonment.

Voluntary sexual molestation shall be subject to the same punishment provided for in the previous paragraph, if the age of the victim, male or female, is less than fourteen years or if the victim is of no free will due to young age, lunacy, or insanity.

Where the culprit is an ascendant, custodian, in charge of the victim or a servant of the victim or of the previously mentioned persons, the punishment shall be life or temporary imprisonment.

Article (358)

Whoever publicly commits obscene act shall be subject to a fine of no less than AED One Thousand and no more than AED Fifty Thousand. In case of repetition, the punishment shall be incarceration for no more than three months and fine of no more than AED One Hundred Thousand or one of them. The same punishment shall apply to any person who says or does any act that violate public morals.

Whoever does any indecent action towards a female or a boy of less than fifteen years of age, even in private place, shall be subject to the punishment of incarceration for no less than one year.

Article (359)

Whoever molests a female in an indecent way by words or action in a public road or in a frequented place shall be subject to the punishments of incarceration for no more than one year and fine of no more than AED One Hundred Thousand or one of the two punishments.

The same punishment shall apply to any male who enters under disguise to any place allocated for women only or to which the entry of men is forbidden. Should the male commits any crime under such disguise, this shall constitute an aggravating circumstance.

Article (360)

Whoever is found in a public road or frequented place enticing obscenity among passersby, by sayings or actions, shall be subject to the punishments of incarceration for no more than six months and fine of no more than AED One Hundred Thousand or one of the two punishments.

Article (361)

Whoever publicly makes appeals or songs, yelling or speech that is immoral or publicly entice others to indecency in any way whatsoever shall be subject to the punishments of incarceration for no more than one month and a fine of no more than AED One Hundred Thousand or one of the two punishments.

Article (362)

Whoever manufactures, imports, exports, possesses, acquires or transports for the purpose of exploiting, distributing or displaying to others any writings, drawings, images, films, symbols or other items if they are violating public morals, shall be subject to the punishments of incarceration for no more than one month and a fine of no more than AED One Hundred Thousand or one of the two punishments.

The same punishment shall apply to any person who advertise any of the previously mentioned items.

Article (382)

Theft shall occur by illegal appropriation of movable property owned by a person other than the offender and it shall be subject to the following provisions.

Article Two

A new Article under the number (53) *Bis* shall be added to the Federal Law No. (3) of 1987 as follows:

Whoever commits any action in good faith that may damage another person while trying to provide help or relief to such person in cases that require urgent intervention to save life, prevent, or mitigate any damages to the body of such person shall not be guilty of any crime.

Article Three

Articles (334), (371) and (381) of the said Federal Law No. (3) of 1987 concerning Penal Code shall be null and void and the said Federal Law No. (18) of 1978 shall be null and void. Any other provisions contradicting the provisions of this Decree by Law shall be null and void.

Article Four

This Decree by Law shall be published in the Official Gazette and shall come into force on the next day after its publishing date.

Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace in Abu Dhabi:

Date: 10 Safar 1442 H.

Corresponding to 27 September 2020