

Status: Law in force

FED DECREE No. 2 of 2015

Gazette No. 582

UAE Official Gazette

Federal Decree by Law No. 2 of 2015 against Discrimination and Hatred

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

After reviewing the Constitution;

Federal Law No. 1 of 1972 concerning the responsibilities of the ministries and the powers of the ministers, as amended;

Federal Law No. 18 of 1978 concerning crimes against the Islamic Religion;

Federal Law No. 15 of 1980 concerning printings and publications;

Federal Law No. 3 of 1983 concerning the Federal Judicial Authority, as amended;

Federal Law No. 3 of 1987 on promulgating the Penal Law, as amended;

Federal Law No. 35 of 1992 on promulgating the Criminal Procedure Law, as amended;

Decree by Federal Law No. 5 of 2012 concerning Combating Cybercrimes;

Federal Law No. 7 of 2014 concerning combating terrorist crimes; and

Upon the proposal made by the Minister of Justice, as approved by the Cabinet,

Have issued the following Decree by Law:

Chapter One General Provisions

Article 1

In the application of the provisions of this Decree by Law, the following words and expressions shall have the meanings set thereopposite, unless the context requires otherwise:

State: the state of the United Arab Emirates.

Religions: the heavenly religions- Islam, Christianity and Judaism.

Houses of Worship: mosques, churches and temples.

Religion Contempt: any act that may offend God, religions, prophets, messengers, holy books or houses of worship, in accordance with the provisions of this Decree by Law.

Discrimination: every distinction or limitation or exception or preference among individuals or communities on the basis of religion or creed or doctrine or group or sect or race or color or ethnic origin or type or gender subject to the applicable laws in the State.

Hatred Speech: any saying or act that may arouse sedition, dissent or discrimination among individuals or communities.

Means: the Internet, the telecommunications network, websites, industrial materials, information technology devices or any written, audio or video means.

Ways of Expression: any saying, writing, drawing, signal, photography, singing, acting or mime.

Article 2

Without prejudice to any severer penalty in any other law, the penalties as provided by this Decree by Law shall be applied to the crimes as stated herein.

Article 3

It may not be protested by the principle of free opinion and expression to say or do anything that may tempt to contempt or prejudice religions, in violation of the provisions of this Decree by Law.

Chapter Two Crimes and Penalties

Article 4

A person is considered to have committed the crime of religion contempt upon doing any of the following acts:

1. Offense, disparage or shedding doubt about the Divine Entity;
2. Offense, disrespect, ridicule, disparage or prejudice of any of the religions or any of their ceremonies or holy places or interruption of licensed religious ceremonies or festivals or preventing them by violence or threats;
3. Assault of any of the heavenly books by distortion, destruction, defilement or offense in any manner;

4. Offense, ridicule, disparage or defamation of any of the prophets or the messengers or their wives, families or companions; and
5. Destruction, damage, offense or defilement of the houses of worship, cemeteries and tombs or their annexes or any of their contents.

Article 5

- A. A person shall be punished by imprisonment for at least five years and/ or a fine of at least AED 250,000, but not over AED 1,000,000 (one million) if such person commits any of the acts as provided under clauses 2, 3 and 5 of Article 4 of this Decree by law, by any means of expression or other forms or by using any means.
- B. A person shall be punished by imprisonment for at least seven years and/ or a fine of at least AED 500,000 (five hundred thousand), but not over AED 2,000,000 (two million) if such person commits any of the acts as provided under clauses 1 and 4 of Article 4 of this Decree by Law, by any means of expression or other forms or by using any means.

Article 6

A person shall be punished by imprisonment for at least five years and/ or a fine of at least AED 500,000 (five hundred thousand), but not over AED 1,000,000 (one million) if such person commits any of the acts that may create any form of discrimination, by any means of expression or other forms or by using any means.

Article 7

A person shall be punished by imprisonment for at least five years and/ or a fine of at least AED 500,000 (five hundred thousand), but not over AED 1,000,000 if such person commits any act that may arouse hatred speech by any ways of expression or by using any means.

Article 8

A person shall be punished by imprisonment for at least six months and/ or a fine of at least AED 50,000 (fifty thousand) if such person uses any ways of expression or any means to arouse tribal differences to encourage hatred among individuals and communities.

Article 9

A person shall be punished by imprisonment for at least five years and/ or a fine of at least AED 500,000 (five hundred thousand), but not over AED 1,000,000 (one million) if any of the crimes as provided under Articles 5, 6 and 7 of this Decree by Law is committed by a public employee upon or due to performing his job or by a person having a religious capacity assigned thereof or if such act is committed in a house of worship.

The penalty shall be imprisonment for at least ten years and/ or a fine of at least AED

500,000 (five hundred thousand) but not over 2,000,000 (two million) if the acts as provided by the first paragraph of this Article adversely affect the public peace.

Article 10

A person shall be punished by temporary imprisonment if such person utilizes religion to accuse individuals or communities by infidelity by using any ways of expression or using any means to achieve private interests or unlawful purposes.

The penalty shall be death penalty if accusation of infidelity is combined with temptation to kill and a crime is consequently committed.

Article 11

A person shall be punished by imprisonment for at least seven years and/ or a fine of at least AED 500,000 (five hundred thousand), but not over AED 2,000,000 (two million) if such person produces, manufactures, promotes, sells or offers for sale or trading any products, goods, printings, recordings, films, tapes, CDs, software, smart applications, data in the electronic field or any industrial materials or other things including any ways of expression, involving religion contempt, discrimination or hatred speech.

Article 12

A person shall be punished by imprisonment for at least one year and/ or a fine of at least AED 50,000 (fifty thousand), but not over AED 200,000 (two hundred thousand) if such person keeps or holds any products, printings, recordings, films, tapes, CDs, software, smart applications, data in the electronic field or any industrial materials or other things including any ways of expression if they are prepared for distribution or display to others, involving religion contempt, discrimination or hatred speech.

The same penalty shall apply to any person that may keep or hold any means for printing, recording, saving, broadcast, watching, publication or transmission or promoting the use thereof to commit any of the crimes as provided by this Decree by Law, while such person is aware thereof.

Article 13

A person shall be punished by imprisonment for at least ten years if such person creates, sets up, organizes or manages a society, center, authority, organization, group or community or a branch thereof, or uses any means therefore, for the purpose of religions contempt, discrimination or hatred speech or the encouragement or temptation to do so.

Article 14

A person shall be punished by imprisonment for no longer than seven years if such person joins any of the bodies as provided by Article 13 of this Decree by Law or participates therein or assists it in any manner while aware of its purposes.

Article 15

A person shall be punished by imprisonment for at least five years if such person holds or organizes a conference or meeting in the State if the purpose of such conference or meeting is religions contempt, discrimination or hatred speech.

The same penalty shall apply against any person that may participate in a conference or a meeting while aware of its purposes.

The public authority may finish the conference or meeting by force, as necessary.

Article 16

A person shall be punished by imprisonment and a fine of at least AED 250,000 (two hundred fifty thousand), but not over AED 1,000,000 (one million) if such person provides, offers, requests, accepts, collects, receives or delivers money or material support directly or indirectly for the purpose of committing any of the acts as punished in accordance with the provisions of this Decree by Law.

Article 17

The representative, manager or agent of a corporate person shall be punished if any of the crimes as provided by this Decree by Law is committed by one of the personnel of the corporate person in its name and on its behalf, by the same penalties as applicable for the crime committed if such representative, manager or agent proves to be aware thereof.

Such corporate person shall be jointly liable for the payment of such financial penalties or compensations as ordered.

Article 18

Without prejudice to the penalties as provided by this Decree by Law, the court shall order to dissolve or close the societies, centers, authorities, organizations, groups and communities and their branches temporarily or finally.

The court shall also order to confiscate the money, equipment, tools or papers used to commit the crimes as provided by this Decree by Law.

The court shall order to deport the expat from the state upon executing the adjudged penalty.

Article 19

Any person that commits any of the crimes as provided by this Decree by Law shall be discharged from the penalty if such person reports the crime before detecting it to the judicial or administrative authority. If such reporting occurs after the detection of the crime, the court may discharge such person from the penalty if such reporting leads to the arrest of the other offenders.

Chapter Three Final Provisions

Article 20

Upon application of the provisions of this Decree by Law, it is not considered as discrimination any advantage, preference or benefit confirmed by the provisions of any other law in the State for women, children, the handicapped, the elderly and others.

Article 21

This Decree by Law shall be published in the Official Gazette and shall come into force after one month from the date of its publication.

Signed

Khalifa Bin Zayed Al Nahyan,

President of the State of the United Arab Emirates

Issued by us in the Presidential Palace in Abu Dhabi

On: 28 Ramadan 1436 Hijri,

Corresponding to: 15 July 2015