

Federal Decree by Law No. (39) of 2023
Concerning the Regulation of the Federal DNA Fingerprinting Database

We, Mohammed Bin Zayed Al Nahyan, President of the United Arab Emirates;

- Upon reviewing the Constitution;
- Federal Decree by Law No. (1) of 1972 Concerning the Competences of Ministries and the Powers of Ministers, and Amendments thereto;
- No. (31) of 2021 Promulgating the Crimes and Penalties Law, as amended;
- Upon the proposal of the Deputy Prime and Minister of Interior, and the Cabinet Approval;

Have promulgated the following Law by Decree:

Article (1)

Definitions

In application of the provisions of this Decree by Law, the following terms and expressions shall have the meanings ascribed thereto, unless the context requires otherwise:

- State** : United Arab Emirates (UAE).
- Ministry** : Ministry of Interior
- Minister** : Minister of Interior.
- Concerned Authority** : The Authority concerned with DNA Fingerprinting at the General Police Headquarters or the Competent Authority in the Emirate.
- DNA Fingerprinting** : Fixed Genetic Trait or Pattern that distinguishes each person from another. It is repeated only in rare cases such as identical twins. The DNA Fingerprinting is produced after analysing the DNA in specific and highly variable locations.
- Deoxyribonucleic acid (DNA)** : A biochemical molecular, is a vital compound found in the nucleus of all cells that make up the human body (except red blood cells). A person inherits it from his parents, and stores all

- the basic data for cell construction and the formation and development of the human being in specific form and traits.
- Biological Sample** : A part of the human body or its biological secretions used to determine its DNA Fingerprinting.
- DNA Analysis** : A group of tests and techniques that are performed on Biological Samples and traces to determine the traits or patterns of the DNA Fingerprinting.
- Coding DNA Regions** : Areas in the DNA complex that contain instructions for building a specific protein in the body.
- Non-Coding DNA Regions** : Areas in the DNA complex that do not contain instructions for building a specific protein in the body.
- Trace** : Any material linked to a Biological Sample found at a crime scene, accident, or any other place.
- Buccal Swab** : Method of taking a Biological Sample containing DNA from inside the mouth.
- DNA Fingerprinting Database** : Computer system that stores DNA Fingerprinting Data related to Biological Samples and effects on which a DNA Fingerprinting is performed.

Article (2)

Objectives of the Decree by Law and Rules for its interpretation

This Decree by Law aims and its provisions shall be interpreted as follows:

1. Respect the dignity of persons and the sanctity of their private lives.
2. Ensure the data confidentiality of the DNA Fingerprinting.

3. Do not use DNA Fingerprinting Data except within the limits of the purposes stipulated in this Decree by Law.

Article (3)

Federal DNA Fingerprinting Database

A Database called the “Federal DNA Fingerprinting Database” shall be established in the Ministry. The Minister shall issue controls, conditions, and procedures for feeding and using the Database.

Article (4)

Use of Federal DNA Fingerprinting Database

Use of Federal DNA Fingerprinting Database shall be for the following objectives:

1. Investigate crimes and identify their Perpetrators.
2. Identify victims of crises, disasters and accidents.
3. Identify unknown bodies, remains, or human body parts.
4. Identify unidentified and missing persons.
5. Any other objectives as decided by the Cabinet.

Article (5)

Data and Information Confidentiality

1. The data and information related to the DNA Fingerprinting entered into the Federal DNA Fingerprinting Database shall be confidential.
2. The data and information related to DNA Fingerprinting may not be disclosed, circulated, or published except in cases authorised by law.

Article (6)

Sources of Biological Samples

1. The following categories shall provide Biological Samples:
 - a. Inmates in penal and correctional facilities and those detained in criminal cases.

- b. Anyone arrested at the scene of a crime or accident or suspected of committing a felony or misdemeanour.
 - c. Victims and those present at the crime scene to distinguish their traces from those of suspects.
 - d. Missing or absent persons after being found.
 - e. Employees working to collect, preserve and examine Biological Samples and Records for examining the DNA Fingerprinting.
2. The Ministry or the Concerned Authority shall collect the samples submitted under Clause (1) of this Article, conduct DNA Fingerprinting, and include them in the Federal DNA Fingerprinting Database.
3. The Ministry or the Concerned Authority shall collect the Biological Samples and conduct DNA Fingerprinting, and include them in the Federal DNA Fingerprinting Database from the following sources:
- a. Identify traces, dead bodies, remains, or human body parts.
 - b. Personal belongings of missing or absent persons.
 - c. Employees exposed to danger or accidents due to the nature of their work.
 - d. Volunteers for work and tasks of dangerous nature when the Federal Authority stipulates that they shall do so before carrying out their volunteer tasks.
 - e. Any other sources as decided by the Cabinet.
4. If one of the sources is a child or an incapacitated person, the Biological Sample shall not be taken from him except in the presence of one of his parents, guardian, or person who takes care of him upon learning of him if his identity is known.

Article (7)

Voluntary Bio-specimen Collection

Any person may voluntarily submit a Bio-specimen for a DNA Fingerprinting and have it included in the Federal DNA Fingerprinting Database for use in accordance with the purposes specified under this Decree by Law.

Article (8)

Methods of Biological Samples Collection

The Ministry and the Concerned Authority shall collect Biological Samples from people using Buccal Swab, and by resolution of the Minister. Other collection methods that do not pose any risks to people lives or safety may be used.

Article (9)

Biological Samples Analysis

1. Employees in the Ministry and the Concerned Authority shall conduct DNA Analysis of Biological Samples on the following genetic regions only:
 - a. Non-Coding DNA Regions.
 - b. The area responsible for determining sex.
2. Employees in the Ministry and the Concerned Authority may not:
 - a. Conduct DNA Analysis of Biological Samples on other Coding DNA Regions responsible for determining the race, diseases, or phenotypic traits of the sample owner, except in the following cases:
 1. In implementation of a Court ruling.
 2. If the samples are unidentified and taken from traces found at the accident or crime scene.
 - b. All Biological Samples, conducting a DNA Fingerprinting, or using the Database for the purposes of proving lineage or kinship, or for any other purposes not stipulated in Article (4) of this Decree by Law, except in implementation of a Court ruling.

Article (10)

Biological Samples Preservation

The Ministry and the Concerned Authority shall preserve samples, biological traces and all compounds resulting from them in designated places prepared for this purpose, safe from

damage or tampering in accordance with the controls and conditions determined by a resolution of the Minister.

Article (11)

Biological Samples Execution

1. The Ministry shall destroy the Reference Biological Sample after completing its analysis and entering its DNA Fingerprinting into the Federal DNA Fingerprinting Database in accordance with the controls and conditions determined by a resolution of the Minister.
2. Biological Samples and Traces related to a crime shall not be destroyed except by Court ruling and provided that they have been disposed of or a final ruling has been issued, as the case may be.

Article (12)

DNA Fingerprinting Removal

Save those convicted of internal and external state security crimes, the DNA Fingerprinting will be removed from the Federal DNA Fingerprinting Database in the following cases:

1. A decision by the Public Prosecution Office or the Competent Court to remove the DNA Fingerprinting from the Federal DNA Fingerprinting Database in the cases it is examining according to the scope of spatial or state jurisdiction.
2. Thirty (30) years lapse since the date of issuance of the ruling on the crimes involving the persons mentioned in Paragraphs (A), (B), (C) of Clause (1) of Article (6) of this Decree by Law.
3. Twenty (20) years lapse since the discovery of the missing or absent persons mentioned in Paragraph (D) of Clause (1) of Article (6) of this Decree by Law.
4. Twenty (20) years lapse since the discovery of the identity of the bodies, remains, or human remains mentioned in Paragraph (A) of Clause (3) of Article (6) of this Decree by Law.
5. Upon the request of the sample owner if he is one of the persons mentioned in Paragraphs (C), (D), (E) of Clause (3) of Article (6) of this Decree by Law due to a change in the nature of his work or the tasks assigned to him.

6. Upon the request of the sample owner if he is one of the volunteers mentioned in Article (7) of this Decree by Law.

Penalties

Article (13)

The imposition of the penalties stipulated in this Law by Decree shall not prejudice any severer penalty stipulated in any other law.

Article (14)

Temporary Imprisonment and a fine not less than (AED 20,000) and not exceeding (AED 100,000) AED shall be imposed on any person who:

1. Use the Federal DNA Database to prove lineage or kinship without a Court ruling.
2. Use the Federal DNA Fingerprinting Database for purposes other than those specified in this Decree by Law.
3. Disclose, circulate or publish the data contained in the Federal DNA Fingerprinting Database in violation of the provisions stipulated in this Decree by Law.
4. Modify or delete a DNA Fingerprinting, issue inaccurate data, or conceal its correspondence in bad faith.
5. Destroy Biological Samples or traces in violation of the provisions stipulated in this Decree by Law.
6. Use the Biological Samples collected in accordance with the provisions of this Decree by Law for purposes other than those stipulated therein.

Article (15)

A fine of no less than (AED 5,000) five thousand Dirhams and no more than (AED 20,000) twenty thousand Dirhams shall be imposed if those mentioned in Clause (1) of Article (6) of this Decree by Law refrain from giving the Biological Sample without an acceptable excuse.

Article (16)

Save the penalties prescribed for the crimes stipulated in this Decree by Law, anyone who violates any other provision of this Decree by Law and the decisions regulating it shall be punished by imprisonment and a fine not exceeding (AED 100,000) one hundred thousand Dirhams, or by one of these two penalties.

Article (17)

Unknown DNA Fingerprinting

If a DNA Fingerprinting of unknown origin is discovered in any of the crimes of terrorism, murder, rape, sex crimes against children, serious crimes, or in major accidents and disasters, and that DNA Fingerprinting does not match any other DNA Fingerprinting in the Federal DNA Fingerprinting Database, the Ministry may research and exchange this DNA Fingerprinting Data with health authorities, laboratories, and bio-banks operating in the State, or with entities concerned with the DNA Fingerprinting outside the State, with the aim of identifying its owners in accordance with the legislation in force in the State, while taking into account the privacy and confidentiality of this Fingerprinting Data.

Article (18)

Jobs of Dangerous Nature

1. By a resolution of the Minister, a Committee shall be formed whose membership includes members from the Relevant Authorities to identify and propose jobs of a dangerous nature from which Biological Samples shall be collected from their occupants, provided that a resolution shall be issued by the Minister to determine these jobs based on the Committee proposal.
2. The occupants of the positions stipulated in the Minister resolution shall enable the Ministry or the Concerned Authority to take the sample.
3. The Administrative Authorities responsible for the occupants of the positions stipulated in Clause (1) of this Article shall take their measures to enable the Ministry and the Concerned

Authority to collect Biological Samples from the occupants of those positions and determine the consequences of their abstention from providing the sample.

Article (19)

Repeals

Any provision that violates or contradicts the provisions of this Decree by Law shall be repealed.

Article (20)

Publication and Entry Into Force of Decree by Law

This Law by Decree shall be published in the Official Gazette and shall enter into force as of 01.11.2023.

Mohammed Bin Zayed Al Nahyan
President of the United Arab Emirates

Issued by us at the Presidential Palace - Abu Dhabi:

On: September 28, 2023 corresponding to:

Rabi' al-Awwal 13, 1445 H