



Joint statement on the UAE’s adoption of Federal Decree Law No. 34 of 2021 on Combatting Rumours and Cybercrime

January 24, 2022

We, the undersigned organisations, are writing to express our deep concern regarding the United Arab Emirates’ (UAE) recent adoption of a new [Law on Combatting Rumours and Cybercrime](#), which severely threatens and unduly restricts the right to freedom of expression (both online and offline) and the rights to freedom of association and of peaceful assembly in the UAE.

The new Cybercrime Law, adopted by Federal Decree Law No. 34 of 2021, went into effect on January 2, 2022, replacing the Emirates’ former [Federal Law No. 5 of 2012 on Combatting Cybercrime](#). However, the new text does not address the problematic provisions of its predecessor and, on the contrary, further restricts civic space and free speech within the UAE and maintains the criminalisation of acts that are protected under international law.

We are concerned that the overbroad and vague terminology used, particularly on “national security” related issues, provide the authorities with excessive discretion to criminalise and impose lengthy prison sentences on individuals exercising their rights to freedom of expression and peaceful assembly. The law further enables the criminalisation of the work of journalists, whistleblowers, activists and peaceful critics, subjecting those engaged in lawful activities to harsh prison sentences and excessive fines. As such, we call on the Emirati authorities to immediately repeal the law or sufficiently amend its provisions so that it is brought into line with international human rights standards.

Vague and overbroad definitions

Under article 1 of the new law, “unlawful content” is defined as content “that intends to harm the State’s national security or sovereignty or any of its interests [...] or decrease public confidence in [...] State authorities or institutions,” among others. This vague definition does not meet the criteria of legal clarity

and predictability and is not formulated with enough precision to allow individuals to regulate their conduct accordingly. The use of overbroad and imprecise terms such as harming “national security” and decreasing “public confidence” in the State enables the authorities to effectively outlaw all kinds of online speech that may be critical of the authorities or the UAE’s rulers. Indeed, article 53 of the Law imposes an excessive fine ranging between 300,000 and 10,000,000 Dirhams (approximately USD 81,678 to USD 2,723,000) on any individual that uses the internet or an electronic account to store or share “unlawful content.”

All the more concerning, similar to the provisions of the 2012 Law on Combatting Cybercrime, article 20 of the new text imposes a life sentence against any individual who “creates or manages an electronic website or oversees it and publishes information, programs or thoughts that include, aim or call for changing the ruling regime in the country,” thus effectively silencing, criminalising and prohibiting any form of political opposition within the UAE.

Shrinking civic space and press freedoms

Article 22 of the law prohibits and imposes a prison sentence on the use of the internet to share with any organisation or association, documents, reports, or data that may “harm the State’s interests, its governmental agencies, reputation, prestige or standing.” Article 43, moreover, criminalises and punishes with imprisonment, defamation and causing insult to others, which when directed against a public official is considered, under the same article, to be an aggravating circumstance of the crime. However, articles 22 and 43 do not delineate the maximum nor minimum prison sentences attributed to such acts. We are thus concerned by both the use of such vague and overbroad terms and the absence of a maximum sentence which effectively enables the authorities to impose disproportionate punishments for acts that are protected under article 19 of the Universal Declaration of Human Rights.

Further, we are concerned that the UAE authorities will use this provision to target journalists and human rights defenders working to shed light on human rights violations taking place within the Emirates. We recall that the article 22, originally included in the 2012 Cybercrime Law, was also used by the Emirati judicial authorities to [sentence](#) Emirati human rights defender, [Ahmed Mansoor](#), to 10 years in prison. Mansoor remains [arbitrarily detained](#) to date.

In addition, article 25 of the 2021 Law criminalises “mocking” or “causing harm to the reputation, prestige, standing of the State, its authorities, institutions, founding leaders, flag, or currency”. Article 28 penalises using the internet to publicise information or documents that “include offending a foreign country.” In light of the authorities’ ongoing repression against Emirati human rights defenders, peaceful critics, and political dissidents, we believe that these aforementioned provisions will only

embolden the Emirati authorities to silence any form of dissent or exercise of the right to free expression in the country, protected under article 30 of the UAE's Constitution.

We are additionally concerned that the new Cybercrime Law will enable the authorities to stifle the work of journalists in the UAE. For example, article 19 prohibits the publication and sharing of any content, data or information that “does not comply with media content standards issued from the competent authorities” and subjects such acts to a prison sentence not exceeding one year. Under article 44 of the Law, furthermore, a prison sentence not exceeding six months is imposed on anyone who “violates the privacy of an individual and the sanctity of their private and family life” by using the internet or any electronic device to “publicise news, digital images, photographs, scenes, commentaries, data or information, even if they were true, with the intention of causing harm to the individual.” We fear that this would enable the Emirati authorities to use the pretext of “the privacy of an individual and the sanctity of their private and family life” to criminalise criticism or restrict all forms of journalism that may be critical of any government or public official.

Criminalisation of “fake news”

Furthermore, article 52, titled “spreading rumours and fake news”, imposes a maximum prison sentence of one year, on the use of the internet or any electronic device to share “false rumours” that contravene with “what has been officially announced” by the State. It also criminalises “broadcasting controversial propaganda that seeks to incite public opinion, disturb public security [...] or cause damage to the public interest, national economy, public order or general health.” The prison sentence, moreover, is increased to two years if any of the acts are directed against “any of the State's authorities or institutions or if it was committed during periods of pandemics, crises, emergencies or disasters.” The criminalisation of vague and imprecise acts, such as “inciting public opinion or “disturbing public security,” which may be subject to a broad interpretation by the judge, does not meet the criteria of legal clarity and predictability. The use of such overbroad terminology could thus be used to target human right defenders, whistleblowers, journalists or activists seeking to disseminate information that may not fall in line with the political interests of the State or its rulers. This will only serve to restrict the UAE's already-shrinking civic space.

The right to freedom of peaceful assembly

Lastly, similar to the 2012 Law on Combatting Cybercrime, the new 2021 Law criminalises lawful acts protected under the right to freedom of peaceful assembly. Article 26, for example, criminalises using the internet to “plan, organise, advertise or call for a protest or march” without first obtaining approval from the competent authorities. Just as concerning, the law imposes a fine ranging from 200,000 to 1,000,000 Dirhams (approximately USD 54,450 to USD 272,260) on such acts, in addition to a prison sentence, without properly delineating the maximum prison terms attributed for such acts. Here, we

recall that the UN Special Rapporteur on the rights to freedom of peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions have [maintained](#) that freedom of peaceful assembly “is a right and not a privilege and as such its exercise should not be subject to prior authorization by the authorities.” As they additionally affirm, “where there has been a failure to properly notify [the authorities], organizers, community or political leaders should not be subject to criminal or administrative sanctions resulting in fines or imprisonment.” As such, organising an assembly without obtaining approval from the authorities should, *a fortiori*, not result in any penal sanctions or fines.

Conclusion

In light of all of the problematic provisions contained within the 2021 Cybercrime Law and the severely harsh consequences this law will have on freedom of expression and freedom of peaceful assembly, while contributing to the further shrinking of civic space in the UAE, we call on the Emirati authorities to repeal the law or to significantly amend it and bring it into line with international human rights standards and laws.

Signatories:

Access Now

ALQST for Human Rights

Americans for Democracy & Human Rights in Bahrain (ADHRB)

ARTICLE 19

Association for victims of torture in UAE (AVT-UAE)

CIVICUS

Democracy for the Arab World Now (DAWN)

Emirates Detainees Advocacy Centre (EDAC)

European Centre for Democracy and Human Rights (ECDHR)

International Campaign for Freedom in the UAE (ICFUAE)

International Centre for Justice and Human Rights (ICJHR)

International Service for Human Rights (ISHR)

MENA Rights Group

Reporters Without Borders (RSF)