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Freedom House

## Freedom of the Press 2017 - United Arab Emirates

Country:

United Arab Emirates (<https://freedomhouse.org/country/united-arab-emirates>)

Year:

2017

Press Freedom Status:

Not Free

PFS Score:

78

Legal Environment:

25

Political Environment:

30

Economic Environment:

23

### Key Developments in 2016:

- After being held without charge for eight months, a prominent academic and critic of the government, Nasser Bin Ghaith, appeared in a closed court session in April and faced accusations of committing cybercrime and terrorism.
- The government continued to hold Jordanian journalist Tayseer al-Najjar in detention throughout the year, ostensibly in connection to his social media posts about politically sensitive topics, including Israel and Egypt.
- In June, authorities blocked the website of the Middle East Eye, a news organization that provides independent coverage of the region.

### Executive Summary

Although the United Arab Emirates (UAE) serves as a regional hub for international media and hosts satellite television networks that broadcast to the Arab world, the domestic media environment is tightly controlled. Nearly all media outlets serving Emirati audiences are either owned or heavily influenced by the authorities. Individuals who use internet-based platforms to publicize dissenting views or sensitive information have for years been subjected to arbitrary and extralegal detention or criminal prosecution with little due process.

Bin Ghaith, an academic and frequent commentator on regional politics, remained in prison at year's end. Before his court appearance in April, authorities had held him for eight months without charge, denying him access to a lawyer or his family. His arrest seemed to be connected to comments he made on Twitter about the UAE and Egyptian governments, as well as his alleged affiliation with banned organizations. In a second session in May, the Federal Supreme Court charged him with violating antiterrorism, national security, and cybercrime legislation. Al-Najjar, a Jordanian journalist working for the UAE-based *Dar* newspaper, was also a target of persecution in connection to social media posts—seemingly, critical comments he made about Egypt, Israel, and the Gulf region at large. Arrested in December 2015, al-Najjar remained in detention at the end of 2016. It was unclear whether he had been formally charged or given access to a lawyer.

Censorship remained a central aspect of the government's media policies. In June, the Middle East Eye reported that authorities had blocked access to its website, which provides regional news coverage, including critical reporting on the UAE's domestic and foreign policies.

## Legal Environment: 25 / 30

While the constitution provides for freedom of speech, the government uses its judicial, legislative, and executive powers to limit this liberty in practice. UAE Federal Law No. 15 of 1980 for Printed Matter and Publications regulates all aspects of the media and is considered one of the most restrictive press laws in the Arab world. It authorizes the state to censor both domestic and foreign publications prior to distribution, and prohibits criticism of the government, UAE rulers and ruling families, and friendly foreign governments. The law also bans publication of information that "causes damage to the national economy." Violations of the law can result in fines and prison sentences.

Defamation is a criminal offense. Journalists can also be prosecuted under other articles of the penal code as well as under a highly restrictive cybercrime law. The cybercrime law criminalizes the use of the internet to commit a range of offenses—including violating political, social, and religious norms—and subjects perpetrators to prison terms and fines. Although the law centers on information technology, it has detrimental implications for both traditional journalism published online and citizen journalism. Article 24 makes it a crime to use a computer network to "damage the national unity or social peace." Article 28 of the law states that the publication or dissemination of information, news, or images deemed "liable to endanger state security and its higher

interests or infringe on the public order" can lead to imprisonment and a fine of up to 1 million dirhams (\$270,000). Under Article 29, "deriding or harming the reputation, stature, or status of the state, any of its institutions, its president or vice president, the rulers of the emirates, their crown princes or their deputies," as well as a number of national symbols, is also punishable with imprisonment and a fine of the same amount. Article 41 allows the government to close websites related to the commission of these crimes.

An antiterrorism law passed in 2014 includes vague language prohibiting any speech that "antagonizes the state," among other offenses, and has allowed authorities to prosecute peaceful dissent and critical journalism as a form of "terrorism." The law carries penalties including death, life in prison, and fines of up to 100 million dirhams (\$27 million).

In April 2016, after eight months of incommunicado detention, Bin Ghaith appeared in court after being held without charge for eight months. In a second court appearance in May, the court formally charged him of a range of offenses under the country's penal code as well as antiterrorism and cybercrime laws. Most of the charges were tied to his exercise of free speech online—ostensibly, criticisms of Emirati and Egyptian authorities—while others were connected to his alleged affiliation with Al-Islah and the Ummah Party, which the UAE government classifies as terrorist organizations. After the May hearing, authorities transferred Bin Ghaith to a maximum security facility. He had limited access to legal counsel and claimed to have been tortured in custody. The case was ongoing at year's end.

Since his December 2015 arrest, al-Najjar, a Jordanian national, has also been denied due process. His arrest seemed to be connected to comments he made on Facebook that were critical of political issues in Israel, Egypt, and Gulf states. In October 2016, prosecutors informed him that he would face charges under UAE's cybercrime law, but it remained unclear whether he had access to a lawyer or whether a trial had begun by year's end. Al-Najjar had been held incommunicado for the first two months of his detention but, unlike Bin Ghaith, was occasionally able to communicate with his family thereafter.

Although there is a legal framework for access to public information, obtaining official documents or data remains difficult in practice, with government entities often rejecting or ignoring requests. There is no law guaranteeing freedom of information as a fundamental right.

The National Media Council (NMC) is responsible for licensing all publications and issuing press credentials to editors. Members of the council are appointed by the UAE's president, the hereditary ruler of Abu Dhabi. The UAE has four "media free zones" (MFZs)—areas in which foreign media outlets produce news content intended for foreign audiences—located in the emirates of Dubai, Abu Dhabi, Ras al-Khaimah, and Fujairah. The Dubai and Abu Dhabi MFZs host bureaus of international media outlets such as CNN, the British Broadcasting Corporation (BBC), the Saudi-owned Al-

Arabiya, and Agence France-Presse. Broadcast media outlets based in the MFZs are regulated by the Technology and Media Free Zone Authority but are also subject to the 1980 press law and the penal code. All free zones must obtain approval from the NMC before licensing any print or broadcast activities.

There is a journalists' association, but the group cannot engage in genuine advocacy in the country's highly restricted environment.

## **Political Environment:** 30 / 40

Journalists, especially foreign journalists working for Emirati media outlets, have reported having their stories censored by their editors, most often when covering sensitive issues such as religion, politics, or foreign allies of the UAE. Foreign media outlets based in the MFZs operate with relative freedom, although some journalists have received vague threats regarding their reporting.

Online censorship is extensive. When attempting to visit a prohibited site, internet users are directed to a proxy server that maintains a list of banned websites and blocks material deemed inconsistent with the "religious, cultural, political, and moral values of the country." Websites that are considered indecent include those featuring pornography, dating or personal advertisements, and LGBT (lesbian, gay, bisexual, and transgender) content. Some websites based in Israel or covering religions other than Islam, notably the Baha'i faith, are also blocked. Many users reportedly employ circumvention tools, such as virtual private networks (VPNs), to access blocked content. Police in Dubai have affirmed that the use of VPNs is illegal and can lead to criminal charges. In June 2016, the Middle East Eye, which provides regional news coverage and had engaged in critical reporting on the Emirati government, reported that its website was inaccessible in the UAE.

Due to vaguely defined red lines on permissible speech, media professionals practice extreme forms of self-censorship. Emirati journalists often face warnings and threats if they push the limits of acceptable media coverage. However, noncitizen journalists account for the overwhelming majority of those working in the UAE, and they face harsher measures, including dismissal and deportation. Moreover, the increasing frequency of arrests, convictions, and detentions without trial affecting critics of the government, particularly social media users, has had a chilling effect on journalistic activity and free speech in general.

Although journalists, bloggers, and online activists are not often subject to retaliatory physical violence, many are arbitrarily detained by authorities and held for long periods of time with no apparent legal justification. There have been reports of abuse in custody, although restrictions on access to detention centers and detainees make it difficult to investigate claims.

## Economic Environment: 23 / 30

About a dozen newspapers are published in Arabic and English in the UAE, and there are several terrestrial radio and television stations. Most media outlets are either state-owned or have close government affiliations. The Arab Media Group and Dubai Media Incorporated serve as the Dubai government's media arm, publishing several newspapers and operating television and radio stations. Privately owned newspapers such as the Arabic daily *Al-Khaleej* and its English-language sister paper, *Gulf Today*, face heavy influence from the government. Almost all Arabic-language broadcast media that target domestic audiences are state-owned and provide only the official view on local issues. However, satellite television service is widespread and provides uncensored access to international broadcasts.

Most major papers receive government subsidies and rely predominantly on the official Emirates News Agency for content and guidance on whether or how to cover sensitive topics in the news. Only a small minority of working journalists are native Emiratis, and observers note that expatriate journalists with relatively good pay have little incentive to engage with the risks of critical or investigative journalism.

Close to 91 percent of the population had regular access to the internet in 2016. There are two internet service providers—Etisalat and Du, both owned and operated by state corporations. The UAE has an extremely high mobile-phone penetration rate, with nearly twice as many mobile subscriptions as residents; most users have internet-enabled smartphones, making such devices one of the most popular ways to receive news content.

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### ecoi.net summary:

Annual report on press freedom (covering 2016)



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United Arab Emirates

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**Austrian Red Cross**

Austrian Centre for Country of Origin and Asylum Research  
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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