

New UAE Law against hate crimes and discrimination

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This becomes a problem if such views are expressed in a way that constitutes an insult or discrimination, or promotes hate and violence.

With the objective of preserving the harmony of UAE society, the UAE has enacted a new Federal Decree by Law No. 2 of 2015 that solidifies principles of tolerance and acceptance of others. The new Law, which came into force in August 2015, punishes hate crimes and discrimination with penalties including, but not limited to, imprisonment (from six months to fifteen years) and fines (of AED 50,000 to AED 2,000,000).

The new law introduces a number of new provisions, but also overlaps with existing legislations. Much of the law adds greater detail and higher penalties in relation to acts that have historically been viewed as acts of crime. As such, deeming them as crimes is not considered a new development. Notably, the far reaching impact of the law is to place emphasis on the UAE's vision and efforts to preserve the existing harmony among its residents.

Below, we highlight some examples from the new law that overlap with existing laws, particularly Cyber and Criminal laws.

Offending Religions

Criminal Law

The existing Criminal Law No 3 of 1987 establishes penalties for anyone who offends the recognized divine religions. The new law also penalizes any form of offence to the divine religions, in addition to the holy books, Gods, prophets or apostles, churches and mosques. The new law sets out the definition of divine religions as Islam, Christianity and Judaism.

The penalties in the new law are also stricter compared to those provided in the Criminal Law. The new law is arguably more concise, with a structure that further elaborates on such crimes, while including more definitions.

Cyber Law

Similarly, the Cyber Law No. 5 of 2012 addresses insults to Islamic rituals and the recognized divine religions. The new law is arguably providing further examples of what is considered a crime with regards to offences to religion.

The Cyber Law addresses crimes committed on the internet, websites, social media and other technological tools. The scope of the new Law's application is considered broader as it covers the aforementioned platforms, as well as any visual and audible methods, along with normal speech.

It is worth mentioning that the enactment of the Cyber Law, which came into force in August 2012, cancelled any provisions that contradicted its provisions. In other words, the Cyber Law would exhaustively apply to crimes regulated under it, even if they were construed as being covered by the Criminal law as well.

On the other hand, Article 2 of the new law provides that the penalties under the new law will apply to the crimes regulated under it, without prejudice to any higher penalties under any other law. It can therefore be expected that in instances where there are contradictory provisions, the higher penalties in the new law will apply.

Discrimination

Not only does the new law protect believers' beliefs, it also safeguards the beliefs of nonbelievers. The new law provides penalties for anyone accusing other religious groups or individuals of being infidels or nonbelievers for personal interests or for unlawful purposes.

The penalty for such actions could reach the death penalty if such accusations encourage others to kill and a crime is consequently committed.

Undoubtedly, severe penalties as such show the UAE's strict approach towards hateful and discriminatory acts committed against any person on its land, irrespective of his or her background and beliefs. The new law also establishes penalties for any discriminatory acts based on race, colour or ethnic origin.

The conditions for each of the above acts are assessed on a case by case basis and are associated with varying factors including, but not limited to, the criminal intent to commit such crimes.

Conclusion

The new law, which substantially overlaps with pre-existing laws, is welcomed as it is more concise and its structure provides further detail in terms of when certain activities are considered criminal and what punishments may apply.

The overlapping of provisions is not unusual in the UAE, especially in areas that need to accommodate the nature of a rapidly developing cosmopolitan society. In instances where there are two contradictory provisions, it is usually the case - with some exceptions - that the latest provision with the higher penalty will apply to a given crime. The higher penalties in the new law would thus apply to crimes that fall under it. However, any overlap with the new law is still to be tested before Courts.