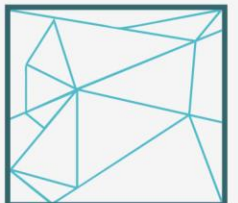


## Syria: Ministry of Information Stifles Digital Platforms Citing “Indecent Content,” “Offending National Constants”



- Compulsory licensing of digital platforms contradicts Syria’s international obligations to protect freedom of expression and grants broad powers to the Executive to disable or close platforms non-compliant with government policies





## **Syria: Ministry of Information Stifles Digital Platforms Citing “Indecent Content,” “Offending National Constants”**

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On 15 August 2024, the Syrian Ministry of Information announced in a [statement](#) its decision to collaborate with the Ministry of Interior and the Ministry of Justice to monitor “unlicensed” digital platforms. The purpose is to track these platforms and their operators and take legal action against them for publishing “indecent content” that violates public morals and offends Syrian societal values and national constants.

This decision comes at a time when censorship of digital media in Syria is increasing, raising legal and human rights questions about the extent to which these measures are consistent with international standards relating to freedom of expression.

The present brief aims to analyze the decision issued by the Ministry of Information from a legal and human rights perspective. It focuses on how the decision conflicts with international principles and agreements, such as Article 19 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#). The report also discusses how the executive authority continues to exploit vague wording to interpret the law in a way that serves its interests. Additionally, it addresses the arbitrary use of laws to target media professionals and digital activists. The report concludes with recommendations to enhance freedom of expression and protect journalists in Syria.

## 1. Compulsory Licensing of Digital Platforms Conflicts with International Standards

The Ministry of Information’s decision requires digital platforms, including social media, to obtain prior licenses. This contradicts international standards related to freedom of expression, such as the [Universal Declaration of Human Rights](#) and the [ICCPR](#), which Syria has ratified.<sup>1</sup> These standards are considered a fundamental reference in protecting individuals’ right to express their opinions without unjustified interference. The Syrian government’s unwillingness to abide by the ICCPR is evident in [its reservation to Article 41](#), which grants the International Human Rights Committee (IHRC) the authority to receive complaints from States Parties against other States Parties in the event of a violation or breach of its provisions.

The [IHRC’s General Comment No. 34](#) states that any restrictions on freedom of expression must be justified and proportionate to the specific aim. These restrictions must also be transparent and straightforward to avoid arbitrariness. Reports issued by the UN Special Rapporteur for Freedom of Opinion and Expression confirm that imposing prior licensing on digital platforms threatens freedom of expression. In a [report](#) submitted to the Human Rights Council (UNHRC), the Special Rapporteur noted that such practices can be exploited to silence dissenting voices and restrict access to information in the digital space. The report stressed that any restrictions must be necessary, proportionate, and subject to strict legal safeguards. Imposing licensing on digital platforms contradicts Syria’s international obligations to protect freedom of expression and gives the executive authorities broad powers to disable or close platforms that do not align with government policies.

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<sup>1</sup> Syria signed the ICCPR on 21 April 1969 and ratified it on 21 September 1969. This means that Syria is committed to implementing its provisions, including the protection of human rights and freedom of expression.

## 2. Vague Wording, Open to Interpretation

The Ministry of Information’s decision contains vague terms such as “indecent content” and “offending the values of Syrian society,” which can be interpreted in multiple ways and used to restrict media freedom arbitrarily. These vague terms are part of the Syrian government’s strategy to monitor the media and digital activists. They are reminiscent of similar terms used in [Law No. 108 of 2011](#), which the Syrian government exploited to prosecute journalists and activists who opposed its policies under pretexts such as “offending national constants.”

**The lack of legal clarity in these terms gives executive authorities broad discretionary power to take punitive measures without effective legal oversight.**

Furthermore, a report published by Syrians for Truth and Justice (STJ) in June 2022, titled [“Syria: Cybercrime Law is an Additional Tool for Suppressing Freedom of Expression,”](#) documented the use of similar phrases in [Cybercrime Law No. 20 of 2022](#). This law was used to target journalists and digital activists expressing their opinions online.

The decision’s vague wording goes against the principle of legality, a fundamental aspect of international human rights law. This principle requires that laws be clear, specific, and known in advance. It states that any law must specify which acts are considered illegal, and individuals must not be punished retroactively. The principle of legality is included in several international agreements, such as the ICCPR (Article 15), the Universal Declaration of Human Rights (Article 11.2), and the [European Convention on Human Rights](#) (ECHR) (Article 7). The vague wording also contradicts the [Legislative Drafting Guide](#) issued by the Council of Ministers in May 2019, which emphasizes that each legal sentence must be carefully defined to avoid confusion and misinterpretation by those responsible for implementing and applying the law.

## 3. The Alliance Between the Information, Interior, and Justice Ministries to Suppress Freedom of Expression

The recent decision showcases a coordinated effort among three ministries in Syria to enhance control over unlicensed digital platforms. This collaboration involves technical, administrative, security, and judicial cooperation, indicating that strict legal measures will be implemented against these platforms.

Through this collaboration, the government seeks to tighten control over media freedom and digital activists by using multiple tools, including direct censorship, prosecuting those responsible for unlicensed platforms, and imposing severe legal penalties. This approach reflects the government’s desire to assert full control over media and digital content and reduce opportunities for dissenting voices to express their opinions freely.

The combination of media censorship and security and judicial interference greatly enhances the impact of censorship, making it difficult for digital platforms to operate freely. This collaboration could lead to increased repression of journalists and activists under pretexts such as protecting “national security” or “public morals,” which are often used to justify

arrests and security prosecutions. This collaboration establishes a multi-dimensional censorship system, where media and digital activism become besieged from all sides, hindering any attempt to present content not in line with the government’s vision.

#### 4. Arbitrary Use of The Law to Target Journalists and Digital Activists

The Syrian government has been targeting journalists and digital activists by using laws related to freedom of the media and cybercrimes. These laws are often selectively interpreted to silence dissenting voices and serve the government’s interests.

Syrian law, particularly Law No. 108 of 2011 and Cybercrimes Law No. 20 of 2022, is used to restrict media freedom. Although Law No. 108 states that the media should be independent and freely convey its message, it imposes arbitrary licensing requirements and content control conditions. This allows the government to interpret the law in its favor, which creates a destabilized, uncomfortable media environment.

Additionally, Cybercrime Law No. 20 of 2022 is used to prosecute individuals for vague charges like “spreading false news” or “incitement,” which are often used to justify arrests and prosecutions against digital journalists and activists. This law and Resolution No. 465 of 2012, which established the Anti-Cybercrime Branch within the Ministry of Interior, allow security services to monitor digital activity and target individuals based on their social media posts.

Courts’ selective interpretations of these laws contribute significantly to human rights violations and contradict Syria’s international obligations under the ICCPR. The lack of legal clarity and arbitrary use of legislation makes it difficult for journalists and activists to exercise their right to freedom of expression. This means an urgent need to amend these laws and provide greater protection for media freedom.

One of the reasons for the Ministry of Information’s statement, the subject of this paper, may be the increasing criticism that the Syrian government is facing on social media platforms due to the deteriorating living conditions and the government’s inability to secure basic needs. In 2023, areas under the control of the Syrian government witnessed widespread protests in As Suwayda, Daraa, and the Syrian coast. A previous report by STJ titled “[Syria: Protests Escalate in the Areas Controlled by the Government and the Latter Responds with Arrests and Ready-Made Accusations](#)” documented that Syrian security services arrested journalists and activists who expressed opinions opposing the Syrian government or showed solidarity with the protests on social media. Following the report, STJ verified information from open sources that indicated the Syrian authorities made more arrests of journalists and activists, most of whom are known for their pro-Syrian positions, based on their critical posts on social media against the government. It was noted that the government no longer tolerates any opinion that opposes it.

- ❖ In September 2023, Syrian authorities arrested the [government-friendly journalist Ali Daoud](#) in Jableh due to posts on social media criticizing the price hikes.



- ❖ In February 2024, [journalist Mahmoud Abdel Latif Ibrahim, who worked for the state-run newspaper Al-Thawra, was arrested](#) for publishing writings supporting the peaceful As Suwayda movement on social media.
- ❖ In May 2024, news spread about the [arrest of the government-friendly YouTuber Bashar Barhoum](#) after he criticized Iran in an interview with Tony Khalifa on Al-Mashhad TV.

## 5. Online Censorship, Challenges of Digital Transformation

In the era of global digital transformation, technology plays a crucial role in reshaping the media sector and expanding access to information. It is a fundamental pillar in shaping public opinion. Digital media has become a significant avenue for individuals to express their views and transmit information quickly and freely. However, the strict measures against “unlicensed” platforms, as outlined in the Ministry of Information's decision, may negatively impact this digital transformation and limit the development of the digital media sector in Syria.

Restricting digital platforms hampers innovation in the media sector. These measures create an environment that discourages investment in digital technologies and limits the ability of journalists and citizens to participate in the media landscape effectively. In countries that have embraced digital transformation, digital media has become a vital platform for providing news and information and achieving transparency. However, in Syria, these restrictions may hinder technological progress and limit economic opportunities related to developing digital applications and platforms. This also affects the local digital business environment.

Digital transformation in Syria is at risk of losing momentum due to increasing government censorship measures. This will reduce the country's economic and technological opportunities and limit society's ability to access free and accurate information at a time when digital media is increasingly important worldwide.

## 6. Guarantee Freedom of Expression under the Constitution

The [current Syrian Constitution](#) guarantees citizens the right to freely express their opinions through speech, writing, and other forms of expression. It also ensures freedom of the press, printing, publishing, and media outlets, as well as their independence per the law. However, the decision addressed in this paper clearly violates these principles.

Numerous legal provisions in Syria directly contradict the constitution, such as granting immunity from prosecution to the security services. Additionally, certain circulars and decisions make many aspects of citizens' lives dependent on [security permits](#), sometimes encroaching on the judiciary's authority.

Furthermore, in Syria, the authorities can classify freedom of expression as promoting terrorist acts. Article 8 of the [Counter-Terrorism Law No.19 of 2011](#) states, “Anyone distributing publications or stored information of any form with the intent to promote terrorist means or actions shall be punished by temporary hard labor. The same penalty shall be imposed on anyone who runs or uses an electronic website for this purpose.” In many

instances, the counterterrorism court used this provision to suppress freedom of expression and silence dissent<sup>2</sup>.

In this context, it is essential to emphasize the need to empower the Supreme Constitutional Court to monitor the constitutionality of Syrian laws and legislation. This involves freeing the court from the influence of the executive authority and neutralizing the President of the Republic from appointing its members. Currently, the court’s role is mainly ceremonial, and it lacks the independence to carry out its duties effectively. Therefore, discussing including legal principles in the Constitution is futile if laws, decrees, decisions, or statements can still contradict constitutional principles. The Ministry of Information’s decision, the subject of this paper, is a case in point.

## 7. Recommendations

STJ suggests recommendations below to enhance media freedom and protect the independence of journalists and digital activists, considering the legal and human rights challenges posed by the Syrian Ministry of Information's decision:

1. **Eliminate prior licensing requirements:** restrictions on digital platforms and media outlets should be eliminated to allow them to operate freely without prior government approval, ensuring various voices and protecting freedom of expression.
2. **Amend legislation and decrees that conflict with freedom of expression:** legislation with vague, loose wording like “indecent content” and “offending national values” should be reviewed and abolished. Representatives of media outlets, political parties, and civil society organizations should participate in drafting new, more transparent laws.
3. **Strengthen the protection of media professionals and digital activists:** establishing legal frameworks that protect journalists and activists from prosecution for expressing their opinions and imposing stricter penalties for attacks against them to ensure a safe environment for media work.
4. **Commitment to international standards:** the Syrian government must adhere to international agreements related to freedom of expression, such as the ICCPR, and ensure that all restrictions imposed on media freedom align with those standards.
5. **Establishing an independent body to supervise the media:** government censorship of the media must be abolished, the Ministry of Information should be dissolved, and an independent body with representatives of human rights organizations and journalists should be established to supervise the media, ensuring transparency and accountability.

**Including freedom of expression in the Constitution:** the new Syrian Constitution must explicitly state that freedom of expression and media freedoms are fundamental rights that cannot be violated or interpreted. It should also stipulate the supremacy of international

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<sup>2</sup> See for example: [“Syria: Counterterrorism Court Used to Stifle Dissent”](#), Human Rights Watch, 25 June 2013.

treaties over domestic laws and respect the hierarchy of legal rules, placing the Constitution at the top of the legislative pyramid, followed by laws, decrees, regulations, and internal bylaws in that order.

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## ABOUT STJ

Syrians for Truth and Justice (STJ) started as an idea in a co-founder's mind while attending the U.S. Middle-East Partnership Initiative's (MEPI) Leaders for Democracy Fellowship program (LDF) in 2015. The idea became a reality and flourished into an independent, non-profit, impartial, non-governmental human rights organization.

STJ's beginnings were more than humble; initially, it only reported stories of Syrians who experienced arbitrary arrest, enforced disappearance, or torture. Planted in fertile soil, the seed of this project grew into an established human rights organization licensed in the Middle East and the European Union. STJ today undertakes to detect and uncover violations of all types committed in all Syrian parts by the various parties to the conflict.

Convinced that Syria's diversity is a wealth, our researchers and volunteers serve with unfailing dedication to monitor, expose, and document human rights violations that continue unabated in Syria since 2011, regardless of the affiliation of the victims or perpetrators.