



المركز السوري للإعلام وحرية التعبير

Navenda Sûriyayî ya Ragihandinê û Azadiya Derbirinê
Syrian Center for Media and Freedom of Expression

The New Media Draft Law in Syria 2024

Liberating the media from government control

One step back...two steps back



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Syrian Center for Media and Freedom of Expression (SCM) is an independent non-governmental non-profit organization. We seek to build a society that guarantees freedom of expression and belief, human rights, and justice. Our vision is a democratic world based on justice, freedom, equality and respect for human rights and dignity.

Since SCM was founded in 2004, we work to defend oppressed individuals due to their beliefs or opinions, as well as promoting human rights and supporting and developing independent, critical, and professional media. SCM is in special consultative status with the UN ECOSOC since 2011.

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Introduction

The new media draft law, which is awaiting approval in the People's Assembly, has sparked widespread criticism from journalists and workers in the Syrian media field, because if it is approved, it will eliminate any space, no matter how narrow, for independent media work, and it constitutes a retreat even from Law 108 of 2011,¹ which did not provide any protections for journalists. The draft did not establish minimum media freedoms or an enabling environment for media work.² Since its approval, the Syrian Center for Media and Freedom of Expression has documented 1042 violations against journalists and media institutions by the military and security agencies affiliated with the Syrian government in Damascus.³ There are 795 violations between 2011 and 2020 and 247 violations⁴ between 2021 and March 2024.

The new draft law, which is supposed to include the basic regulations governing media work in Syria, includes 87 articles, 59 of which explain how to license and accredit various media outlets. According to its authors, the reasons for issuing it:

to cover developments in the field of media and communication, especially in procedural matters not covered by the applicable law, related to social media, and the accreditation of media offices for non-Syrian media outlets, media research centers, opinion polling, and training centers to be integrated and appropriate to the work environment of new media in its various aspects and to strengthen the Ministry of Information's supervisory role over media outlets and the extent of their commitment to the provisions of the law.

Ambiguous wording and lack of participation

The Ministry of Information monopolized the draft law for itself without sharing it with fellow journalists, and stakeholders with direct interests, as the draft law was not published on the website of the Ministry of Information, nor on the website of the Presidency of the Council of Ministers, nor on the website of the People's Assembly, and instead of publishing it widely, so that it would be available for viewing in order to inform journalists and media workers before discussing and approving it, the Ministry of Information joined the policy of obfuscation that it was supposed to be combating and adopted concealing draft laws and not presenting them for societal discussion, as was the practice before 2011. The same thing was done by both the Presidency of the Council of Ministers and the People's Assembly, despite the fact that the law is supposed to emanate from society, as an outlet for its aspirations, and that legislation or legal amendments are put forward for societal discussion, especially when the law regulates or frames basic rights and freedoms, which requires polling the

1 [Media Law - Legislative Decree 108 of 2011](#)

2 The comparison between the draft law and the text of Law 108 is a comparison aimed at identifying the positives and negatives in the two laws, and the extent of the effectiveness of the means or legal institutions framed by the law, without meaning that Law 108 meets international standards for the right to freedom of expression or that it provides the minimum requirements for free media work. The Independent.

3 [Syria: The Black Hole for Media Work 10 Years of Violations](#), Syrian Center for Media and Freedom of Expression.

4 Database of the Syrian Center for Media and Freedom of Expression.

opinions of those addressed by the law regardless of their backgrounds and aspirations, so that it is issued in response to real societal needs, and goes beyond the limits of The narrow interests of the controlling powers, their ruling elite, and their social backing, to broader interests related to broader social forces.

The draft law, a copy of which was obtained by the Syrian Center for Media and Freedom of Expression, violates the original formulation of legal texts, which must be clear-cut and have specific objectives. Clarity here means that words cannot be interpreted, as its articles adopted ambiguous terms such as (violating the sanctity of public order, public morals, or national values of Syrian society...) It leaves room for interpretation and leaves it to the executive authority and those charged with enforcing the law to interpret it without oversight or review, which also contravenes the “Guide for Legislative Drafting”⁵ issued by the “Council of Ministers” in May 2019, which included legislative drafting adjustments: (precisely adjust each legal sentence to avoid those responsible for implementing and applying the law falling into confusion and error in interpretation)

The project also ignored the reference to media independence in Law No. 108, Article 2,⁶ and replaced it with Article 4, which stipulates that “the media, through all its means, performs its message freely in accordance with the provisions of the Constitution and the provisions of the law” despite the centrality of media independence and pluralism, which guarantees multiple ownership of the media and prevents the government’s monopoly on the media. The media also ensures the application of the competition law to protect the public in the manner regulated by the law, and the lack of control by capital in the industry due to the power and influence the media has on the opinions and trends of the public.

5 [Guide to Legislative Drafting issued by the Council of Ministers in May 2019.](#)

6 Article 2: The media, through all its means, is independent and performs its message freely, and its freedom may not be restricted except in accordance with the provisions of the Constitution and the law.

Restricting media work through administrative licensing

The media draft law defines “the natural person who is professional in composing, preparing, editing, presenting or analyzing any media content with the intention of publishing it in any accredited or licensed media outlet, and who is registered with the Union or accredited with the Ministry.” That excludes the segment of independent journalists and their right to work. It restricts a journalist who is outside public bodies to perform their work either “by means of a press card issued by the General Union of Journalists as a worker or intern, or the card issued by the Ministry.” The law also links the existence of the institution or media outlet and its legal status, whatever its type, to administrative licensing and the authority’s prior approval of any media activity, in clear violation of international standards,⁷ specifically the requirements in the International Covenant on Civil and Political Rights.

The draft also defines the media, which is not mentioned in Law 10, as “a system of various types of means of communication, which aims to provide the public with news, information and facts, which helps them form a clear opinion on any issue at hand, and reflects their ideas, trends and inclinations truthfully, objectively and honestly, and is transmitted by the media person to the recipients”. On the other hand, the media, which is supposed to be a single means, is defined differently.

Media outlet: “a tool for publishing media content that does not have the status of personal correspondence.”

The draft also included a vague and ambiguous definition of media content to include comments and observations without any clarification or specification of them and the place of their publication. Media content is: “Any explicit or indirect information or messages of any kind, whether broadcast live or recorded, then broadcast, rebroadcast, or communicated to the public by any means, and takes the form of articles, news, investigations, programs, notes, comments, or whatever is similar.”

7 Human Rights Committee in its General Comment No. 34 defined journalism as a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere, and general State systems of registration or licensing of journalists are incompatible with paragraph 3. Limited accreditation schemes are permissible only where necessary to provide journalists with privileged access to certain places and/or events. Such schemes should be applied in a manner that is nondiscriminatory and compatible with article 19 and other provisions of the Covenant, based on objective criteria and considering that journalism is a function shared by a wide range of actors.

No legal protection for media professionals

The text on the obligations of the Syrian Arab Republic to the Universal Declaration of Human Rights and relevant international agreements as one of the determinants of media work mentioned in Article 3 of Law 108⁸ was excluded and replaced with (the right to freedom of opinion and expression as one of the freedoms guaranteed by the Constitution and to exercise it consciously and responsibly). That is, the draft law not only excluded international obligations as a determinant of media work, but it added a condition for the right to freedom of expression, which is to exercise it consciously and responsibly, which is a broad term that cannot be defined, and it is a feature of the terms included in Article 5 “C - the national values of Syrian society, and the responsibility to spread knowledge, and express the interests of the people.” “D- Protecting national identity.”

The new law also includes a retreat from the already limited protection in Article 7⁹ of Law 108 A - the freedom of the media is protected in the law, and the opinion published by the media person may not be a reason to infringe on this freedom except within the limits of the law, which was replaced by Article 10. The freedom of the media is protected within the framework of the principles and values in the Constitution and applicable laws. As for Article 14, assaulting a journalist while performing their work is tantamount to assaulting a public employee,¹⁰ which is presented as additional protection for media professionals. In reality, it ignores the attacks that the journalist may be exposed to while conducting his work, in which the authority may be a party, especially within the framework of investigating and

8 The practice of media work is based on the following basic rules:

1- Freedom of expression and fundamental freedoms guaranteed in the Constitution of the Syrian Arab Republic, the Universal Declaration of Human Rights, and relevant international agreements ratified by the government of the Syrian Arab Republic.

2- The right of the citizen to obtain information related to public affairs.

3- The national and national values of Syrian society and the responsibility to spread knowledge, express the interests of the people, and protect national identity.

9 Article 7: A - The freedom of the media person is protected by law, and the opinion published by the media person may not be a reason to infringe on this freedom except within the limits of the law.

B- No party has the right to demand that a journalist disclose his sources of information except through the judiciary and in a secret session.

10 The General Penal Code stipulates the following:

Article 369: 1 - Whoever attacks or violently resists an employee working to implement laws or regulations, collect fees and taxes, or implement a judicial decision, judicial memorandum, or any order issued by the competent authority, shall be punished with imprisonment for at least two years if he is armed, and with imprisonment for a period of six months to two years. If he is unarmed. 2 - The penalty is doubled if the perpetrators are two or more.

Article 370: Any resistance, whether actual or passive, which stops a legitimate work conducted by one of the persons described in the previous article, shall be punished by imprisonment from one month to six months and a fine of up to one hundred liras.

Article 371: 1 Whoever strikes an employee or treats him with violence and severity while exercising his job or in the process of exercising it shall be punished by imprisonment for a period of 6 months to two years. 2 - If the act occurs before a judge, the penalty shall be from one to three years.

Article 372: 1 - The penalties imposed in the previous article shall be increased in the manner prescribed by Article 247 if the acts of violence were committed intentionally or were committed by more than one person or resulted in injuries or illness.

2 - If the acts of violence are so serious that they require a more severe penalty than the penalties stipulated in the previous article, the penalty that the perpetrator deserved as a result shall be lifted in accordance with Article 247.

examining cases of financial and administrative corruption. This requires special protection and adherence to international standards for media freedom.

Article 101 of Law 108 was also deleted from the draft law. In all acts that constitute crimes carried out by a media professional in the course of performing their work, except in the case of a flagrante delicto, they may not be searched nor their office or arrested or interrogated except after informing the council or the branch of the Union of Journalists to assign whomever he deems appropriate to accompany the journalist. The draft also did not contain any reference to the role of the Union of Journalists, whose mission is to “defend the rights of its members in connection with or because of the practice of the profession,” which confirms the view of the drafters of the law on the media and its complete and absolute subordination to the executive authority, and the unacceptance of any form of independence and non-acceptance of even formal independence for journalists through the union, which, although defined according to Article 2 ¹¹ of Decree No. 1 of 1990, as “a union organization, including journalists registered in its rosters, with its headquarters in the city of Damascus,” it does not meet the requirements for union work and is affiliated with the authority. It is fully executive and committed to the principles of the ruling party, according to Article 3 of Decree No. 1: “The Union believes in the goals of the Arab nation in unity, freedom, and socialism and is committed to working to achieve them in accordance with the decisions and directives of the Arab Socialist Baath Party.”

Restricting work with regard to the right to obtain information, which must be available to all citizens, without the need to present any document other than what proves that the information seeker is a Syrian citizen, is restricted by Article 13 of the draft and requires that the media person requesting the information provide documents proving his identity and the task that should be assigned to him. It has an exclusively licensed media outlet.

Expanding publishing prohibitions

Regarding the publication prohibitions in Article 15, the legislator maintained the prohibitions in Law 108, which included broad terms and charges according to which many media professionals faced penalties and security summons when they spoke about government negligence, and they were accused of “violating national security” or “spreading false news.” The draft law also added to the prohibitions:

1. Any media content that would harm national unity or national security
2. Any media content that would violate the sanctity of public order, public morals, or the public life of individuals.
3. Circulating or publishing any false or fabricated information or news...the journalist did not document their primary source.

¹¹ [Law 1 of 1990, the Journalists' Union Law in the Syrian Arab Republic](#)

Deleting the publication ban in the third paragraph of Article 12 (3- News and information related to the army and the armed forces, except for what is issued by the army and the armed forces and permitted to be published) without this, it means canceling the ban codified in Article 123 of the Military Penal Code.

Paragraph 7 A of Article 15 also enshrined “everything that is prohibited from being published in accordance with the applicable laws and regulations” a list of prohibitions originally in the Military Penal Code,¹² the General Penal Code,¹³ the Anti-Terrorism Law,¹⁴ and others. Article 15 also includes, in Paragraph (C), “the permissibility of arresting a journalist.” Suspension from work for a period of three months on the pretext of circulating or publishing any false or fabricated information or news whose primary source the journalist has not documented, as well as on the pretext of publishing false and fabricated news,” which means legitimizing the suspension of the journalist from work if he refuses to provide the sources of his information. Paragraph (d) states the following: “Every media person who unintentionally publishes news without documentation shall be fined two million Syrian pounds, which will be doubled in the event of repetition.” The legislator here did not clarify the possibility or how to publish news unintentionally.

Restricting funding sources

Article 16,¹⁵ which prohibits a journalist from working in bringing in advertisements or obtaining any direct or indirect sums or benefits from publishing advertisements in any capacity, also includes a restriction on the freedom of the media, of which advertising funding constitutes the largest portion of its funding sources, and the legislator was not satisfied

12 [Legislative Decree 61 of 1950 Penal Code](#) and Article 123 of the Military Penal Code applicable in Syria, punishes with imprisonment from two months to two years every military or civilian person who submits a report or report in peacetime or discloses everything related to military incidents inside or outside the barracks or procedures Which the military authority takes against one of its members, or the orders and decisions issued by this authority, and everything related to the movements of military units and detachments, and everything related to the operations carried out by the armed forces of the state.

13 [General Penal Code 148 of 1949](#), Articles 285-288 of the General Penal Code: Crimes of undermining the prestige of the state and harming national or national identity. Article 307: “Every action, every writing, and every speech that intends or results in inciting sectarian or racist strife or inciting conflict between sects and various elements of the nation shall be punished by imprisonment from 6 months to two years and a fine from one hundred to two hundred liras.” Article 309: This article punishes by imprisonment for at least six months fabricated facts or false allegations to cause a decline in the value of national currency or to undermine confidence in the strength of the state’s currency, its securities, and all documents related to public financial confidence. Articles related to defamation, which are Articles: 375- 376- 377, and Articles related to mug, which are Articles: 378.

14 Three laws to combat terrorism in Syria Decree No. 19 of 2012 Article 8 Promotion of terrorist acts: Anyone who distributes publications or stored information, regardless of their form, with the intention of promoting the means of terrorism or terrorist acts, shall be punished with temporary hard labor. The same penalty shall be imposed on anyone who manages or uses an electronic website for this purpose.

15 Article 16: This article prohibits journalists from:

Working to acquire advertisements. Receiving any direct or indirect payments or benefits from publishing advertisements in any capacity.

with that. Rather, in Article 17,¹⁶ the media outlet is prohibited from accepting donations, subsidies, or any special benefits from foreign parties, directly or indirectly, except with prior approval from the Minister of Information. The law considers any increase in the prices set for advertisements from any party as foreign aid, as the law stipulates: Suspending the media outlet for a month in the event of a first-time violation, two months in the event of a repeat violation, and canceling the license in the event of a third-time violation. The project also stipulates the percentage, size and area of advertisements, and specifies 5% of the advertising space to be free and allocated for public benefit, which may hinder the launch of new media outlets in the country due to the high cost, especially in light of the deteriorating economic reality, with which no media project can achieve economic feasibility.

Consolidating the authority of the guardian ministry over the media¹⁷

The new law enshrines the ministry's absolute authority over media work and confirms the trend towards a guardian media carrying a discourse dominated by moral guidance and a unilateral outlook, at a time when democratic systems around the world tended to abolish the Ministry of Information as an executive authority that controls the work of media institutions and grant media institutions complete independence away from funding. In structuring the state, the draft law enshrines the role of the ministry as guardian rather than sponsor. The Ministry grants licenses and accreditations to audio-visual media, periodical and non-periodical publications, online media, social media, news agencies, media offices for foreign media, media training centers, media research and opinion poll centers, media service companies, and publications and printed materials 29-32, whether they are imported books, newspapers and magazines, or local publications, as well as on publishing houses

16 Article 17: This article restricts media outlets from accepting:

Donations, grants, or special benefits from any person or entity (directly or indirectly) without the Minister's approval. Any increase in advertising fees published for these entities beyond the standard rates is considered an indirect grant. Penalties for violating these restrictions include:

Suspension for one month. A fine of 15 million Syrian pounds (first offense). Doubled fine for repeated offenses. License revocation for a third offense.

17 [The People's Assembly Approves the Draft Law for the Establishment of the Ministry of Information 2024](#)

On March 3, 2023, in its seventeenth meeting of the eleventh ordinary session of the third legislative term, the People's Assembly approved the draft law for the establishment of the Ministry of Information, to replace the Ministry of Information updated by Decree No. (186) of 1961, and it became law.

The following public bodies are affiliated with the Ministry:

The Syrian Arab News Agency "SANA"

The General Radio and Television Corporation

The Arab Advertising Corporation

The Unity Foundation for Press, Printing, Publishing and Distribution

The General Corporation for Television and Radio Production

The Institute of Media Preparation

The Technical Institute for Media and Printing

The Ministry supervises the work of these bodies and formulates general media, advertising, service, production, educational and training policies for these bodies.

and licenses granted, Articles 35-36, services provided to delegations and Arab and foreign media delegations, intellectual evaluation of books and manuscripts and approval of their circulation and export, and all media outlets that appear later as a result of development. The means of communication and media, all of which were restricted by a final decision of the Minister, and the law did not clarify any means of appealing or objecting to his decisions.

Article 63 also requires media research and opinion polling centers, in the event of contracting with any non-Syrian studies or research body, to obtain the approval of the Ministry, under penalty of suspension of their work for a period of three months, a fine of 3 million Syrian pounds in the event of a violation, and cancellation of the license in the event of repetition. In Article 84, the Minister's approval is required for the annual accreditation of media offices for foreign media outlets, and his approval for the appointment of directors, and for the accreditation of reporters, photographers, and technicians working in them.

In the conditions for licensing audiovisual media in Article 42, the license applicant is required to provide (the name of the media outlet, its type and approach, and the language or languages in which it is broadcast). Here, the reference to the language or languages of broadcast and its inclusion in the license application raises fears that this article will be used as a tool for violating cultural rights, for different ethnicities in Syria. Obstructing the licensing of media outlets broadcasting in Kurdish, Syriac or other languages.

Article 43 also specifies ownership of audiovisual media in limited liability companies or joint-stock companies, provided that all of their partners are Syrians, which means the expulsion of Arab capital and foreign investment necessary to develop the media industry. No shareholder or their relatives up to the second degree may collectively own more than 20% of a television broadcasting company with comprehensive content or one that specializes in political or news programs, and the ownership percentage of 25 percent in any other television service outlet.

Article 89 of the draft law also granted the Minister of Information the authority to form a committee headed by a judge nominated by the Minister of Justice whose mission is to look into violations and take appropriate measures against violators in accordance with the provisions of this law, provided that its decisions are immediately effective and subject to appeal before the Administrative Court within a period of 10 days from the date of their notification. On the other hand, Article 98 of Law 108 was deleted, which stated:

- A. The Court of First Instance in the center of each governorate shall consider all misdemeanors stipulated in this law. The decisions of this court are subject to appeal, and the appeal ruling shall be final.
- B. The Court of First Instance and the Court of Appeal shall expeditiously consider the cases brought before them related to violations of the provisions of this law.

The draft law did not specify the scope of the committee's work and its relationship with the judiciary, nor did it provide an explanation of the role of the committee or the judiciary in the case of Article 17: Paragraph C: The gifts or donations that the media receive in violation

of Paragraph (A) of this article shall be confiscated for the benefit of the public treasury, pursuant to a final judicial ruling.

Finally, the draft law did not meet the minimum standards for journalistic work and media freedoms, so much so that the Damascus Union of Journalists, in its 2023 press freedoms report issued on 24 March 2024,¹⁸ classified the draft itself within the framework of violations against the media and media work and demanded a review of the draft law, which was devoid of some articles, stipulated by the applicable law and constitutes immunity, even if it is limited or formal, for media professionals, which any amendment to the law is supposed to strengthen, not delete.

Based on the above, the Syrian Center for Media and Freedom of Expression demands:

The Syrian government and the People's Assembly to

- * Abolish the Ministry of Information and any form of censorship over the media, establish an independent reference body that completely and permanently removes the hand of the executive authority over the media, Abolish the current media draft law, and work to formulate modern legislation that establishes new principles for media work that adheres to international standards and principles of international law¹⁹ regarding the organization and framing of rights and freedoms.
- * Abolish all legislation and decrees that contradict the right to freedom of expression and media freedoms, and amend the texts of the General Penal Code, the Military Penal Code, and the Anti-Terrorism Law to abolish all crimes related to publishing.
- * Work to provide a safe environment for media work and consider attacks on media professionals as an aggravating factor that prevents the statute of limitations from running on criminal acts against them, based on Recommendation No. 29²⁰ issued

18 [The Union of Journalists launches the Media Freedoms Report for 2022](#)

19 CCPR/C/21/Rev.1/Add.9, paras. 11-16. When assessing the necessity of a particular measure, the Human Rights Committee, in its General Comment No. 27 on Article 12 of the International Covenant on Civil and Political Rights, emphasized that “the essence of the right shall not be impaired by restrictions [...]; the relationship between the right and the restriction must not be reversed, between Rule and Exception The Commission further explained that “it is not sufficient that restrictions serve the permissible purposes; They must also be necessary to protect it.” Moreover, these measures must be proportionate: “The least intrusive means compared to others can achieve the desired result and when there is a legitimate aim and appropriate safeguards, a State may be permitted to engage in intrusive surveillance.” very; But the burden is on the government to prove that the intervention is necessary and proportionate to address the identified risk. Mass or “bullet” surveillance programs can therefore be considered arbitrary, even if they serve a legitimate aim and are based on an accessible legal system. In other words, it will not be enough to direct measures to look for some needles in a haystack; The appropriate measure is the effect of the measures on the haystack, relative to the damage that threatens to occur; In particular, whether the measure is necessary and proportionate.

20 [UN Plan of Action on the Safety of Journalists and the issue of impunity: implementation review report for the period 2013-2014](#)

in 1997 by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

- * Avoid granting political officials and government employees special protection from criticism, abolish laws that prohibit attacking state symbols and prohibiting defamation, slander, or contempt - without a clear definition of the aforementioned acts - and emphasize the public interest in criticizing officials and senior officials and evaluating their performance.
- * Limit publication prohibitions to statements that amount to a call for national, racial, or religious hatred that constitute incitement to discrimination, hostility, or violence. The law must clearly define what each of these terms means, using the Rabat Plan of Action²¹ as a guide.

Constitutional Committee to

- * Include in the constitutional text, in an irrevocable and interpretable manner, the media rights and freedoms guaranteed by international human rights law, and explicitly stipulating the inclusion of international agreements ratified by the Syrian Arab Republic in national legislation.

Syrian civil society to

- * Strengthen partnerships between civil society organizations and media bodies inside and outside Syria and involve all media workers to found the nucleus of a joint charter that establishes the principles of Syrian media and emphasizes the exceptional role of the media and the essentiality of freedom of expression as an entry point to the internalization of the values of democracy and human rights.

21 [OHCHR and freedom of expression vs incitement to hatred: the Rabat Plan of Action](#)

The most prominent amendments in the current media law

| | Media Law by Decree No. 108 of 2011 | Media Draft Law 2024 |
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| Definitions | Media professional: A person whose profession is to write, edit, or analyze media content or collect the information necessary for that purpose, with the aim of publishing this content in a media outlet. | Media professional: A natural person who professionally writes, edits, presents, or analyzes any media content for the purpose of publishing it in any approved or licensed media outlet, and is registered with the union or accredited with the ministry. |
| | Media content: All information that is of interest to the recipient and takes the form of articles, news, investigations, programs, observations, comments, or the like. | Media content: "Any information or messages, express or implied, of any kind whatsoever, whether broadcast live or recorded and then broadcast or rebroadcast or delivered to the public by any means whatsoever, and takes the form of articles, news, investigations, programs, observations, comments, or the like." |
| | A media outlet: Any material or immaterial means that publishes media content that does not have the character of personal correspondence and includes print media and electronic media. | Media outlets: "The system of communication and communication means in its various types that aim to provide the public with news, information and facts, which helps it to form a clear opinion on any issue raised, reflects its ideas, directions and inclinations with honesty, objectivity and honesty, and the media professional transfers it to the recipients." On the other hand, the media outlet, which is supposed to be a single medium, is defined differently. A media outlet: "A tool for publishing media content that does not have the character of personal correspondence." |

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| <p>Scope of Application of the Law</p> | <p>Article (103)</p> <p>The provisions of this law shall apply to any media outlet that has an actual management center or a fixed center in the Syrian Arab Republic where it currently carries out its main economic activity, regardless of its place of establishment and headquarters and the place where the technical equipment it uses is located if it is an electronic media outlet.</p> | <p>Article 3</p> <p>The provisions of this law shall apply to the media content of any media activity conducted by government or private media outlets, in whole or in part, including the media activities of the following entities and persons:</p> <ol style="list-style-type: none"> 1. Institutions and media outlets that print, publish, broadcast, circulate or distribute media content 2. Electronic media 3. Professional media activities on social media 4. Diplomatic and consular missions accredited to the State, with regard to the publications they issue for circulation in the country 5. Communication media on the network and electronic sites |
| <p>Fundamental principles</p> | <p>Article 2: The media, by all its means, is independent and conducts its mission freely, and its freedom may not be restricted except in accordance with the provisions of the Constitution and the law.</p> | <p>Article 4: The media, by all its means, conducts its mission freely in accordance with the provisions of the Constitution and the provisions of the law</p> |
| <p>Basic rules for the practice of media work</p> | <p>Article 3</p> <ol style="list-style-type: none"> 1- Freedom of expression and the fundamental freedoms guaranteed in the Constitution of the Syrian Arab Republic, the Universal Declaration of Human Rights and the relevant international conventions ratified by the Government of the Syrian Arab Republic. 2- The right of the citizen to obtain information related to public affairs. 3- The national and national values of Syrian society and the responsibility to spread knowledge and express the interests of the people and protect national identity. | <p>Article 5:</p> <ol style="list-style-type: none"> 1- The right to freedom of opinion and expression as one of the freedoms guaranteed by the Constitution and exercised with awareness and responsibility 2- The right of the media professional to obtain information related to public affairs. 3- The national values of Syrian society, and the responsibility to spread knowledge, express the interests of the people and protect national identity. 4- Transparency and transparency of information and protection of the right of the media professional to obtain it 5- The media code of honor 6- Preventing the monopolization of the media |

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| <p>Basic rules for the practice of media work</p> | <p>Article 4</p> <p>Media work is based on the use of media means to make media content that does not have the character of personal correspondence available to the general public or a segment thereof, considering the following basic principles:</p> <p>1- Respect for freedom of expression, provided that this freedom is exercised with awareness and responsibility.</p> <p>2- The right of the media professional to obtain and use information in accordance with the provisions of this law.</p> <p>3- Commitment to honesty, integrity, impartiality, accuracy, and objectivity in the transmission of information.</p> <p>4- Respect for the privacy of individuals, their dignity, and rights, and refraining from violating them in any way.</p> <p>5- Respecting the journalistic code of honor issued by the Union of Journalists.</p> <p>6- Preventing the monopoly of media outlets of all types.</p> | <p>Article 6</p> <p>Media work is based on the use of electronic means to place media content that does not have the status of personal correspondence at the disposal of the general public.</p> |
| <p>Freedom of the Media Professionals</p> | <p>Article 7</p> <p>(a) The freedom of the media professional is protected by law, and the opinion published by the media professional may not be a reason for undermining this freedom except within the limits of the law.</p> <p>(b) No party whatsoever has the right to demand that the media professional disclose his sources of information except through the judiciary and in a secret session.</p> | <p>Article 10:</p> <p>The freedom of the media professional is safeguarded within the framework of the principles and values contained in the Constitution and the laws in force.</p> |

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| <p>Protection of the Media Professionals</p> | <p>Article 101</p> <p>“In all acts that constitute crimes and are committed by the media professional in the course of his work, with the exception of the case of a flagrant crime, he may not be searched, his office searched, arrested or interrogated except after informing the council or branch of the Union of Journalists to appoint a person it deems appropriate to attend with the media professional...”</p> | <p>Deleted</p> |
| <p>Assault on the Media Professionals</p> | <p>Article 11:</p> <p>Any assault on a media professional in the course of his work is considered an assault on a public official.</p> | <p>Article 14</p> <p>Any assault on a media professional in the course of his work is considered an assault on a public official.</p> |
| <p>Prohibitions in Publication</p> | <p>Article 12</p> <p>The media is prohibited from publishing:</p> <ol style="list-style-type: none"> 1. Any content that could undermine national unity or national security or insult the heavenly religions and religious beliefs or incite sectarian or sectarian strife. 2. Any content that could incite the commission of crimes and acts of violence and terrorism or incite hatred and racism. 3. News and information related to the army and armed forces, except for what is issued by the army and armed forces and is permitted for publication. 4. Anything that is prohibited from publication in the general penal code and the laws in force and anything that the courts prohibit from publication. 5. Anything that could undermine the symbols of the state. | <p>Article 15</p> <ul style="list-style-type: none"> - Any media content that could undermine national unity or national security. - Any media content that could violate the sanctity of public order, public morals, or the public life of individuals. - Any content that could incite the commission of crimes and acts of violence and terrorism or incite hatred and racism. - Any media content that could undermine the symbols of the state and its sovereignty. - Any media content that could violate the sanctity of public order, public morals, or the private lives of individuals. Any circulation or publication of any false or fabricated information or news that the media professional has not documented its primary source, - Everything that is prohibited from publication under the laws and regulations |

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| | <p>Article 13</p> <p>The media professional is prohibited from interfering with the private lives of individuals, and criticism or publication of information about persons entrusted with a public office or service shall not be considered an infringement on personal privacy, provided that the media content is closely related to their work and is aimed at the public interest.</p> | |
| <p>Advertisements</p> | <p>Article 15</p> <p>The media professional is prohibited from working on the procurement of advertisements or obtaining any direct or indirect sums or benefits for the publication of advertisements in any capacity, and he may not sign any advertising material in his name.</p> | <p>Article 16</p> <p>The media professional is prohibited from:</p> <p>Working on the procurement of advertisements or obtaining any direct or indirect sums or benefits from the publication of advertisements in any capacity.</p> |
| <p>Advertisements</p> | <p>Article 16</p> <p>(a) The media outlet shall not accept donations, grants, or any special benefits from foreign entities in a direct or indirect manner.</p> <p>(b) Any increase in the advertising fees published by the media outlet for the benefit of the entities referred to in paragraph (a) of this article over the fees prescribed for advertising shall be considered as an indirect grant.</p> <p>(c) The Council shall determine the basis for providing direct or indirect support to the media.</p> | <p>Article 17</p> <p>(a) The media shall not accept donations, grants or subsidies or special benefits from any person or any entity in a direct or indirect manner, except with the approval of the Minister, and any increase in the advertising fees published by these entities over the fees prescribed for advertising shall be considered as an indirect grant</p> <p>(b) The media outlet that is proven to have violated the provisions of paragraph (a) shall be suspended for a period of one month and fined 15 million Syrian pounds, and the fine shall be doubled in case of repetition, and the license shall be revoked in case of repetition for the third time.</p> |

**Competent
Jurisdiction**

Article 98:

(a) The Court of First Instance for Misdemeanors in the center of each province shall have jurisdiction over all misdemeanors provided for in this law, and the decisions of this court shall be subject to appeal, and the appellate judgment shall be final.

(b) The Court of First Instance for Misdemeanors and the Court of Appeal shall expeditiously consider the cases brought before them relating to violations of the provisions of this law.

Article 87

By decision of the Minister, a committee shall be formed headed by a judge whose task is to consider violations and take appropriate measures against violators in accordance with the provisions of this law.

Some proposed articles to be included in the new law

Censorship

Article: It is prohibited, in any way, to impose censorship on newspapers and media outlets, and it is prohibited to confiscate, suspend, or close them. An exception may be made to impose specific censorship on them in temporary and very narrow cases that meet the requirements of restricting freedoms contained in the International Covenant on Civil and Political Rights.²²

Protection of Journalists

Article: Journalists and media professionals are independent in the performance of their work, and they have no authority over them in that regard except for the law specific to their work, which is exclusively the media law.

Article: The opinion issued by the journalist or media professional, or the correct information issued by him may not be a reason for his accountability, and he may not be compelled to disclose his sources of information.

Article: The opinion issued by the journalist or the information he publishes may not be a reason for undermining his dignity and physical and moral integrity. The journalist cannot be prosecuted for publishing opinions, ideas, or information due to his work or on the occasion of it.

22 International Covenant on Civil and Political Rights, Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others.
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

General Comment No. 34 of the Human Rights Committee on Article 19 of the International Covenant on Civil and Political Rights.

22. Paragraph 3 lays down specific conditions and it is only subject to these conditions that restrictions may be imposed: the restrictions must be "provided by law"; they may only be imposed for one of the grounds set out in subparagraphs (a) and (b) of paragraph 3; and they must conform to the strict tests of necessity and proportionality. Restrictions are not allowed on grounds not specified in paragraph 3, even if such grounds would justify restrictions to other rights protected in the Covenant. Restrictions must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

Article: No negative penalty of liberty may be imposed in crimes committed through publication or publicity, except for crimes related to incitement to violence or hatred.

Article: The documents, information, data, and papers that the journalist or media professional possesses may not be used as evidence against him in any criminal investigation unless their possession or the method of obtaining them is a crime.

Article: In all acts that constitute crimes and are committed by the media professional in the course of his work, with the exception of the case of a flagrant crime, he may not be searched, his office searched, arrested or interrogated, and the journalist's work tools - laptop - camera - documents related to journalistic work may not be searched except after notifying the branch of the Journalists' Union to assign a person it deems appropriate to attend with the media professional..."

Article: The right of journalists and media professionals to photograph, and conduct interviews and surveys in the street and among people is an absolute right that may not be restricted except by the restrictions related to the privacy of individuals and their consent to photography or interviews.

Right of Access and Dissemination of Information:

Article: The right of access to information from public sources, whether legislative, judicial, governmental, or administrative, is guaranteed. The journalist has the right to obtain information from the aforementioned authorities unless it is exempted by law, and the journalist also has the right to publish what he obtains from information, news and statistics.

Article: It is prohibited to impose any restrictions that hinder the provision and availability of information or prevent equal opportunities between various printed and electronic newspapers, visual and audio media, or their right to obtain information.

Article: The journalist or media professional has the right to receive an answer to what he inquires about from information, data and news, and government agencies and public bodies are obligated to establish an administration, office or website to contact the press and media to enable the journalist or media professional to obtain data, information and news.

Article: The sources of the journalist and all who contribute with him in preparing the media material are protected. The confidentiality of these sources cannot be violated, whether directly or indirectly, except if it is justified by a compelling motive and subject to judicial supervision. Any acts of search, investigation and

eavesdropping on communications and correspondence towards the journalist to uncover his sources or towards the people who deal with him are considered a violation of the confidentiality of sources.

Article: The journalist or anyone who contributes with him in preparing the media material may not be subjected to pressure or demands to disclose their sources of information except with judicial authorization and on condition that that information is related to crimes that pose a serious threat to the safety of others and that obtaining it is necessary to avoid committing these crimes and from the category of information that cannot be obtained in any other way.

Licensing for Publication:

Article: The publication of any paper or digital newspaper shall be free and without prior licensing, with the commitment of the newspaper manager to the written statement submitted to the Ministry of Information's office in return for handing over a receipt or book to that effect, and in case of refusal to hand over the receipt, the registered mail addressed to the ministry shall be considered as the receipt.

