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Ethical Journalism and Its Regulatory Laws in Syria

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Contents

- Introduction

I. Conceptual Framework and Research Methodology

II. Analysis of the General Context of Journalism in Syria

1. Professional Variables

- During Ottoman Rule and the French Mandate
- After Independence
- During the Ba'ath Party and Hafez al-Assad's Rule
- Under Bashar al-Assad's Rule:
 - Before the Syrian Revolution
 - Professional Variables in Journalism after 2011

2. Legal Variables

- A. Media Law No. 108 of 2011
- B. Law No. 19 of 2024
- C. Cybercrime Law No. 20 of 2022
- D. The Syrian Penal Code
- E. Media Law in Areas Controlled by the Democratic Union Party (PYD)
- F. International Standards Related to Media Freedom
- G. The Importance of Establishing, Supporting, and Guaranteeing the Independence of Professional Unions
- H. Foundational References for Media Freedom in Syria: From Revolutionary Demands to Constitutional Guarantees

III. Survey Results

IV. Journalists' Recommendations to Promote Ethical Journalism and Develop the Legal Framework of Media in Syria

1. Reforming the Legal and Regulatory Framework Governing Media Work
2. Enhancing Education and Training in Ethical Journalism
3. Protecting Journalists and Strengthening the Work Environment
4. Establishing Independent Bodies for Media Regulation and Oversight
5. Strengthening the Right to Access Information
6. Supporting Independent Media and Social Responsibility

V. Case Study: The American Experience as a Model

- The Philosophical Foundations of Media Freedom in the United States
- The Legal Foundations of U.S. Media
- Mechanisms of Media Oversight in the United States
- The Role of the U.S. Judiciary in Promoting Media Freedom
- Media Freedom in Syria
- Recommendations for Developing Syrian Media Law Based on the U.S. Experience

VI. Findings and Recommendations

- References

Introduction

Media is a fundamental pillar in the construction of modern societies, given its vital role in shaping public opinion, fostering collective awareness, ensuring oversight and accountability, and delivering truth to the public with professionalism and impartiality—qualities that Syrian media has lacked for decades.¹

In the Syrian context, the importance of ethical journalism stands out as a vital factor in strengthening public trust in the media and in ensuring that journalism serves as a tool for accountability and transparency. This importance becomes especially evident in light of the major challenges facing the Syrian media sector, including hate speech, stereotyping, and the disregard for the dignity of victims—practices entrenched by the Assad regime.²

Journalistic practice, in principle, is governed by a set of laws, regulations, and rules intended to organize the field. Among these are commitments to truthfulness, integrity, accuracy, and objectivity in reporting; respect for individuals' privacy, dignity, and rights; and the avoidance of violations in any form. Yet these principles have long been marginalized under Syrian law and by authoritarian governance, which steered the media to serve its own agendas for decades.

Against this backdrop, the Syrian Journalists Association (SJA) has supported journalists—both men and women—and sought to empower them to practice their profession freely and professionally. It has organized targeted training

¹ *Charter of Honor for Syrian Media Professionals*, Preamble of the Charter, 2015. Available at: <https://almethaq-sy.org/>

² Syrian Journalists Association website, “*The Syrian Journalists Association launches its first activities in Aleppo with a forum on ethical journalism and the laws regulating it*,” December 2024. Available at: <https://syja.org/archives/31802>

sessions and dialogue forums to highlight the importance of adhering to ethical values in journalism and their role in fostering public trust.

The SJA was founded on February 20, 2012, in response to the urgent need for a professional body to support Syrian journalists, particularly amid the challenges that emerged with the outbreak of the Syrian revolution in 2011.

Since its establishment, the SJA has played a pioneering role in institutionalizing ethical journalism standards and in providing dialogue platforms that help entrench professional and ethical norms for journalistic practice while confronting the challenges threatening media independence. Its efforts have focused on several key areas:

- Establishing the Syrian Center for Media Freedoms to monitor and document violations committed against journalists and media institutions in Syria, as well as violations targeting Syrian journalists abroad. The association issues periodic reports highlighting these violations, thereby raising awareness of the risks journalists face and pressuring those in power to halt such abuses.³
- Organizing numerous training courses and workshops to strengthen members' journalistic skills, covering diverse areas such as journalist safety and security, video reporting, and investigative journalism. These trainings have helped journalists improve professional performance and adapt to field challenges.
- Creating a training and capacity-building center to raise the professional standards of journalists, enabling them to keep pace with technological and methodological developments in the field while seeking new opportunities for education and training.

³ Syrian Journalists Association website, *"12 Years Since the Founding of the Syrian Journalists Association: An Important Role in Protecting and Training Journalists and in the Self-Regulation of the Syrian Media Sector,"* February 2024. Available at: syja.org

- Providing free legal advisory support for journalists subjected to violations or legal prosecutions as a result of their work, in addition to logistical and financial support in some cases, and mediating with international actors to secure recommendations and assistance for journalists in need.
- Offering multiple user-friendly services through its website, allowing journalists to report violations, request corrections to past records, and apply for identification or recommendation letters needed in their work.⁴
- Developing a code of professional conduct for Syrian journalists and working to promote professional and ethical journalism. Together with independent media organizations, the SJA launched the “Charter of Honor for Syrian Media Professionals” as a guiding framework for consolidating ethical journalism standards in Syria.⁵
- Securing membership in the International Federation of Journalists on January 18, 2017, which enhanced its international presence and enabled stronger advocacy for Syrian journalists at the global level.

Through these wide-ranging efforts, the SJA has become a genuine umbrella organization supporting Syrian journalists, defending their rights, and working to enhance their professional capacities, despite the significant challenges it has faced since its inception.

Journalism in Syria continues to grapple with profound challenges shaped by the nature of the conflict over recent years, the multiplicity of actors, and fragmented territorial control. These factors have deeply affected the media environment, the credibility of content, and professional ethics. Within this

⁴ Syrian Journalists Association website, *Our Services*. Available at: https://syja.org/archives/30572?utm_source=chatgpt.com

⁵ *Charter of Honor for Syrian Media Professionals*, 2015. Available at: <https://almethaq-sy.org/>

complex context, the urgent need arises for a comprehensive study of ethical journalism—not merely as a professional obligation but as a necessity to ensure responsible, independent media that respects human dignity and counters misinformation and bias.

This study aims to examine the concept of ethical journalism in the Syrian context and to explore its relationship with the laws regulating media work, which—whether directly or indirectly—shape the general media climate and define the limits of freedom and ethical standards, either by supporting or restricting them. In the absence of a unified, comprehensive media law in Syria, and given the multiplicity of legal frameworks across areas of control, the gap between existing legal texts and international ethical standards has only widened.

The study is built on a multi-layered methodological framework combining legal analysis of media laws and regulations with field analysis conducted through a broad survey of 140 journalists, in addition to three dialogue forums involving participants from various Syrian regions. The research concentrated on the evolving contexts across different geographical areas, with particular focus on conditions before the “liberation” of certain territories and the subsequent local dynamics that emerged. This approach enabled the research team to expand and tailor the survey in ways that reflect the Syrian reality and keep pace with legal and regulatory developments affecting journalism and journalists.

At its core, the study addresses a central research question:

To what extent are the laws regulating media work in Syria aligned with the principles of ethical journalism, and how can this alignment be strengthened to support a professional and independent media environment?

This question gives rise to several related issues: journalists' awareness of ethical standards, the violations they face, the role of regulatory institutions, and the tensions between domestic laws and international norms.

The study does not stop at identifying these problems but seeks to present practical recommendations grounded in international ethical frameworks and in the perspectives of journalists themselves. Its aim is to help improve the media environment in Syria and contribute to building journalism that is more professional, free, and independent.

I. Conceptual Framework and Research Methodology

Ethical journalism plays a decisive role in fostering a professional and responsible media environment, especially in the Syrian context, where the media landscape suffers from complex challenges. These include ongoing violations of journalists' rights, the spread of disinformation, political and regional fragmentation, and the absence of a unified legal framework that safeguards journalistic work and ensures its independence. Commitment to ethical standards in journalism enhances credibility, reduces the circulation of misleading information, and protects the dignity and rights of individuals within news coverage.

In Syria, where multiple actors shape the media landscape—ranging from state-run institutions loyal to the Syrian government, to independent or opposition-affiliated outlets, as well as media linked to various local and international forces—the need for common ethical standards becomes increasingly urgent. Ethical journalism is not limited to professional competence; it also entails avoiding hate speech, verifying sources, refraining from bias, and respecting

privacy in reporting. These principles are vital in a crisis-ridden environment such as Syria.

The laws regulating media work constitute the legal framework that should protect journalists, guarantee freedom of expression, and outline the ethical boundaries of the profession. In Syria, however, these laws differ across regions: areas under government control, opposition-held territories (formerly), and those under the Autonomous Administration led by the Democratic Union Party (PYD). Each area enforces different legal systems, producing a fragmented and often hostile media environment.

Achieving alignment between media laws and ethical standards is therefore essential to guarantee a fair and independent media environment. In many cases, laws restrict rather than support journalism and are sometimes used to justify violations against journalists, whether by state or non-state actors. This research thus seeks to examine these laws and assess their compatibility with ethical principles of journalism, such as those articulated in international frameworks like the *International Federation of Journalists' Global Charter of Ethics* and the *Munich Declaration of the Duties and Rights of Journalists*.

In the current Syrian landscape, the main challenges facing ethical journalism and media laws can be summarized as follows:

1. **Absence of a unified law:** No comprehensive media law applies across all Syrian territories, leading to discrepancies in legal implementation depending on the authority in control.
2. **Censorship and violations:** Journalists have faced restrictions on their freedoms, whether through repressive laws or by means of violence and intimidation.

3. **Weak adherence to ethical standards:** Disinformation, politicization of media, and biased coverage undermine journalistic credibility.
4. **Lack of independent regulatory institutions:** In most areas, the media environment lacks independent bodies that oversee the implementation of ethical standards.

This study seeks to provide a comprehensive understanding of the state of ethical journalism and the laws regulating media work in Syria by:

- Analyzing Syrian media laws and their compatibility with ethical journalism standards.
- Documenting the most pressing ethical and legal violations faced by journalists in the field.
- Proposing recommendations based on international standards to protect journalistic work and strengthen a professional media environment.

The study does not stop at documenting problems but also aims to offer practical solutions informed by international experiences and by the recommendations of Syrian journalists themselves regarding ways to improve the media landscape.

The research is based on a multi-layered methodology that combines legal analysis with field analysis, supplemented by direct surveys with journalists to ensure comprehensive evaluation.

During the preparation phase, the research team at the Syrian Journalists Association conducted a thorough review of media laws and regulations in different Syrian regions and compared them with international laws and ethical standards. The team also carried out a focused survey with 140 journalists across Syria (40% women and 60% men) to assess their knowledge and

awareness of issues related to ethical journalism, the key laws regulating media work, and the challenges they face within this framework.

In addition, the team organized three dialogue forums covering different geographical areas in Syria. These forums served as methodological tools to provide space for discussions on ethical journalism and the impact of regulatory frameworks on journalists' work.

The research draws on a range of legal and reference materials, most notably Syrian media legislation, including Law No. 108 of 2011, other related media regulations and decrees, as well as media laws and decisions applicable in northeastern Syria. Comparative laws from other countries are also considered, alongside international conventions such as the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *Munich Declaration on Journalistic Ethics*, among others.

The study adopts a definition of ethical journalism as a set of professional principles guiding journalists' conduct, including accuracy, impartiality, independence, and respect for human rights.

Ultimately, this research represents an attempt to examine and better understand the relationship between ethical journalism and the legal frameworks regulating it in the Syrian context. It aims to provide an accurate scientific assessment of the current situation and present recommendations that may contribute to building a more professional and independent media environment. The hope is that this study will serve as a valuable reference for journalists, researchers, and policymakers seeking to improve the

II. Analysis of the General Context of Journalism in Syria

The media environment in Syria constitutes a direct reflection of the political, social, and legal changes that the country has witnessed during the past decades, and especially since the outbreak of the Syrian revolution in 2011. These transformations led to reshaping the media scene in terms of structure, actors, and available spaces.

In this section, we shed light on the general context in which Syrian journalism operates, through analyzing the professional variables related to the reality of journalistic practice, and the challenges of independence, financing, and safety, in addition to the legal variables that regulate (or restrict) media work, in the presence of multiple legal references according to areas of control, and the absence of a unified and comprehensive media law.

1: Professional Variables

Syrian journalism, since its emergence in the middle of the nineteenth century until our present time, has passed through transformations and great changes, as a result of living through different political eras starting with Ottoman rule, passing through the French Mandate, then the period of independence in the middle of the twentieth century, and then the rule of the Ba'ath in the era of Hafez and Bashar al-Assad, reaching the Syrian revolution which ended five decades of darkness and authoritarianism and repression in Syria.

During these different eras, Syrian journalism witnessed pivotal professional changes that affected the means of communication (printed, visual, audio) as a result of a set of political, social, and economic factors.

– During Ottoman rule and the French Mandate

The beginnings of the era of journalism in Syria are considered with the issuance of the first newspaper during Ottoman rule under the name *Syria* on 19 November 1865, which was an official weekly newspaper issued in Damascus in both Arabic and Turkish, and it continued until the defeat of the Ottomans in the First World War in 1917.

The first official newspaper in Aleppo was issued under the name *Furat* in 1867, and both newspapers (*Syria* and *Furat*) were issued by orders of the governors at that time, therefore they were specialized in publishing news of the Sultanate and the orders and announcements issued by it. (History of Syrian Journalism, Shams al-Din al-Rifa'i, 1969).

As for private newspapers, the thinker Abd al-Rahman al-Kawakibi established the first private newspaper under the name *Al-Shahba*, which was quickly stopped. Afterwards, many newspapers were issued, some of them loyal to the Sultanate, and some of them blowing early the trumpet of nationalism. The Sublime Porte thus issued decrees to regulate journalism that limited its freedom and placed every violator under penalty and suspension. The journalistic text in the Ottoman period was dominated by a religious and poetic character, rhetorical ornaments, sometimes mixed with common Turkish words, and lacking the principles and rules of journalistic writing.⁶

The beginnings of the twentieth century witnessed a real revolution in the world of journalism, where dozens of new newspapers appeared. Among the most important was the issuance of a women's newspaper concerned with women's

⁶ On the 157th Anniversary of the Birth of Syrian Journalism, Riyad Ma'sas, *Al-Quds Al-Arabi*, 26 October 2022. Available at: <https://2u.pw/NKosF6hL>

rights in the Middle East, called *Al-‘Arus* (The Bride), in 1910 by Mary Ajami, a Syrian poet and journalist.

In 1920, the number of printed periodicals reached 31 magazines and 24 newspapers published throughout Syria.⁷ After that, a new era of repression began with the start of the French Mandate in Syria, where the French authorities worked to suspend national newspapers and punish them, and to encourage loyal newspapers that supported the French presence, especially after the Great Syrian Revolt which broke out in 1925. The Press Law was issued, which limited press freedom by legal texts that imposed conditions for issuing newspapers and defined violations committed by them.

Among the newspapers issued in that period were: *Al-Anwar*, *Sada Suriyya*, *Alif Ba’*, *Fata al-Sharq*, *Halab*, *Al-‘Asima*, and dozens of others that suffered restrictions, closures, or unfair financial fines that led them not to appear again.

After Independence

With the beginning of the era of independence in Syria in 1946, journalism was organized, laws for media were issued, a code of honor was established, and rules were defined for violations and penalties in case of committing publication crimes. The same applied to radio, which was launched on the day of independence from Damascus.

During this short period of civilian rule (1946–1949), journalism experienced wide spread and prosperity by enjoying a large margin of freedom. Its topics diversified, and many newspapers and magazines were issued. This period is

⁷ Yaman al-Dalati, *Features of Journalism in Syria after Independence from France*, *Noon Post*, 16 June 2020. Available at: <https://www.noonpost.com/37248/>

considered the golden stage of Syrian journalism, before the beginning of the stage of military coups, in which dozens of newspapers were abolished, strict censorship was imposed on newspapers, and Syrian journalism in 1954 breathed some of the air of freedom for a very short time, during which dozens of newspapers were issued, which were quickly closed during the era of the Syrian-Egyptian union (1958–1961).

During Ba'ath Rule and Hafez al-Assad

In 1963, the Ba'ath Party seized power in Syria, and a new stage of suppression of freedoms began. The state of emergency was declared, and laws were issued under which newspapers, magazines, and publishing houses were closed, printing presses confiscated, and journalists banned from working, so that authoritarian media was formed in its clearest form, through its subordination to the ruling party. Its first mission was to promote the goals of the party which tightened its grip on the media and adopted the policy of silencing and controlling everything published.

With the coming of Hafez al-Assad to power in 1970, the media was entrenched as one of the tools of his control over the country, through issuing laws and establishing institutions whose mission was to suffocate media freedom, entrench loyalty to the ruling party, and monitor everything related to media work and its stages (preparation, printing, publishing, and distribution).

Media in the era of Assad the father became a mouthpiece for the authority. In 1974 the newspaper *Tishreen* appeared, which became “the third pillar” in consolidating regime journalism alongside *Al-Ba’th* and *Al-Thawra*.⁸

Hafez al-Assad also tightened his grip on other media outlets (television, radio). His security services practiced all kinds of violations against the media (persecution and restriction of journalists, closing of media institutions) on a wider scale than in previous eras. This pushed major Syrian journalists and writers to emigrate abroad. Foreign media institutions were also prevented from working freely in the country except according to Assad’s agendas and limitations.

Media in the era of Hafez al-Assad can be described as media owned by a totalitarian authoritarian power, which should only see through its eyes, and which has no tolerance for the other. Its mission was to cheer for its achievements, and to close its eyes to its mistakes, repression, and crimes. (Omar Idlibi, Harmoon Center for Contemporary Studies).

During Bashar al-Assad’s Rule

With Bashar al-Assad taking power after the death of his father in 2000, the scene did not change much, despite the “formal openness” that occurred in the beginning of his rule, represented in granting licenses to private media outlets, before matters returned to more repression in later years, especially after the outbreak of the Syrian revolution in 2011.

⁸ Ali ‘Eid, *Ba’ath Journalism.. History Does Not Resemble Itself*, Enab Baladi. Available at: <https://2u.pw/t7mFV>

● Before the Syrian Revolution

The period of Bashar al-Assad's rule between 2000 and 2011 witnessed multiple professional changes at the beginning, as he tightened his grip on the media through issuing laws to regulate media outwardly, but in reality they restricted media freedoms, imposed penalties on journalism, and prevented ownership of media outlets, among other arbitrary measures.

However, this period witnessed an opening that can be described as “formal” concerning media and journalism, as licenses were allowed for private media outlets, most of them non-political, and owned by figures close to the regime. They were under strict supervision by security services, and some of them continued until the fall of Assad's regime, while others were closed due to crossing red lines, such as (*Al-Domari*).

In the end, Bashar al-Assad continued on his father's path in controlling the media, repressing freedoms, monitoring, and employing everything published to praise the authority and the ruling party. Matters continued in this way until the outbreak of the Syrian revolution, which began another stage that reached the peak in practices of repression and violations against media in Syria, which has ranked at the bottom of the global press freedom index for years.⁹

Professional Variables of Journalism after 2011

With the outbreak of the Syrian revolution at the beginning of 2011, “alternative media” appeared, which allowed journalists and citizen journalists to publish news and opinions without being subject to official censorship.

⁹ World Press Freedom Index, Reporters Without Borders. Available at: <https://2u.pw/ZPZs2>

The Assad regime found itself facing a difficult media mission to confront the revolutionary movement, so it worked on tightening control and restrictions on media outlets, and on spreading counter-propaganda against opposition media that began to appear to refute its propaganda and convey events. Its media sought to hide and fabricate facts to demonize and suppress the revolution, and to minimize what was happening by promoting the idea of a “global foreign conspiracy” against Syria.

Assad’s media merged completely with the authority through its direct subordination to the Presidential Palace. Media concepts such as “freedom of expression, opinion, professional capacities, authority, accountability, and dialogue” became canceled words in the dictionary of life and practice inside Syria. Assad’s media took the role of broadcasting absurdities that occur under the rule of Big Brother according to George Orwell’s novel (1984): “What comes from instructions is executed literally only.”¹⁰

The Assad regime went further in committing violations against workers in the media field who opposed him and who took on the responsibility of defending the popular movement and conveying the truth of what was happening on the ground to global public opinion, whether by pursuing them, arresting them, forcibly disappearing them, killing them, or practicing all other types of violations against them.

¹⁰ *World Press Freedom Index*, Reporters Without Borders. Available at: <https://2u.pw/ZPZs2>

Since the beginning of the Syrian revolution, alternative media outlets began to appear (printed, visual, audio, and electronic), in addition to the establishment of media institutions aiming to organize media work, so that these outlets and institutions represented parallel media to the official regime media.

The Syrian Journalists Association was one of the first institutions to be established (February 2012) to organize media work, with currently more than 700 members inside and outside Syria.¹¹

The Association, after its establishment, worked on forming a Committee for Media Freedoms to document violations committed by different parties against media. Later, the Syrian Center for Media Freedoms was established, affiliated with the Association, which continued the work of the Committee and is still continuing. It has documented in its records 1,546 violations committed against media and journalists inside Syria and abroad against Syrian journalists, from March 2011 until the end of 2024, among the most prominent of which was the killing of 478 journalists, including 327 cases at the hands of the Assad regime.¹²

Journalists were at the forefront of those who paid heavy prices to convey the suffering of Syrians to the world. They documented crimes and violations despite the threats and dangers surrounding them throughout the years of conflict.

Since the outbreak of the revolutionary movement, Syrian journalists played a pivotal role in breaking Assad's monopoly on information. They faced

¹¹ *Syrian Journalists Association Website – Who We Are*. Available at: <https://2u.pw/aguOMcqf>

¹² *Syrian Journalists Association Website – Syrian Center for Media Freedoms*. Available at: <https://syja.org/archives/31949>

campaigns of repression, pursuit, arrest, torture, and even physical liquidation. The targeting they were subjected to was not individual but systematic by the regime and other parties that tried to silence the free voice and prevent conveying the true facts to the world. The struggle of Syrian journalists against repression was an inseparable part of the Syrians' struggle for their freedom. They paid with their lives, their freedom, and their personal stability as a price for that.¹³

In the oppressive circumstances and violence practiced against journalists in Syria during the years of the revolution, many professional variables emerged that affected ethical journalism, the most important of which were:

- 1- Security challenges:** Journalists were exposed to great dangers, from arrest and torture to killing or enforced disappearance. This forced them to make decisive decisions about whether to address certain topics or risk their lives to obtain information. According to the analysis of the survey results conducted by the Association team and which included 140 journalists across Syria, 62.9% of participants considered it necessary to find solutions to address security challenges through intensifying training and providing safety means.
- 2- The emergence of citizen journalism and alternative media:** With the outbreak of the revolution, alternative media outlets and the phenomenon of the citizen journalist appeared, which contributed to conveying the truth of what was happening on the ground and refuting the regime's narratives.

¹³ *Syrian Journalists Association Website – "Before Fleeing, Assad's Forces Kill 9 Journalists."* Available at: <https://syja.org/archives/31949>

- 3- **Differences in loyalties:** The actors on the Syrian ground multiplied after the outbreak of the revolution (Assad regime, opposition, Autonomous Administration, armed groups...), which affected the credibility of media outlets due to their commitment to the political discourse of the different parties.
- 4- **Spread of disinformation and false news:** With the increasing reliance on the Internet and social media as media tools, misleading and false information spread. Media workers faced a major challenge in verifying the truth of the news being published, which increased their ethical responsibility. The answers of 70.7% of participants in the survey showed that the most prominent characteristic around which other problems suffered by the sector of journalism and ethical journalism in Syria revolve is the spread of disinformation.
- 5- **Humanitarian coverage and violence:** With the increase of violence, humanitarian coverage was extremely important. Journalists were forced to balance covering the atrocities of war with maintaining respect for the dignity of victims and their families, and to face challenges related to the media portrayal of victims without causing incitement to violence or insult.

Based on the answers of participants in the survey, the role of journalism in Syria was not as required. The largest proportion of answers indicated that its role was medium regarding conveying information, social awareness, and defending human rights, and weak regarding combating corruption, enhancing democracy, freedom of opinion and expression, and combating discrimination.

- 6- **The impact of social media:** Platforms such as Twitter and Facebook became a main tool to convey events. But these means often lacked basic journalistic principles such as verification and

documentation. Therefore, journalists faced a challenge to ensure that what was published complied with the rules and principles of ethical journalism.

Other professional, economic, and legal variables also emerged, some related to financing and its impact on journalists themselves and on the independence of media outlets. Survey participants pointed to challenges resulting from these variables (lack of expertise, differences in media laws in different areas, lack of financing...).

Many studies, research, and opinion polls conducted in different areas of control distribution indicate that today in Syria there is a clear confusion between hate speech and freedom of expression, due to the absence of frameworks regulating hate speech in Syrian laws and the absence of Arab references. State television was in the lead among the promoters of hate speech, along with the newspaper *Tishreen* in the era of the Assad regime. It is considered the most frequent user of hate expressions, while radios were the least promoter of hate speech. (Syrian Center for Studies and Public Opinion Research, Muhammad Khair al-Wazir – 2023).

On the other hand, opinion polls indicate that Syrian “alternative” media raised the level of professional journalistic work compared to what it was before 2011, but this new experience, according to surveys, is still weak, as alternative media has not broken the stereotypical image in society, nor succeeded in confronting

hate speech, and still contains professional and ethical violations in its various media coverages.¹⁴

2: Legal Variables

The legal framework regulating media work in Syria witnessed successive and complicated transformations, which reflected the political and legislative changes that occurred in the structure of the state over decades, and the varying degrees of openness or closure towards freedom of expression and media practices. These transformations included successive media laws, and extended to other laws of penal nature, such as the General Penal Code and the Law on Combating Cybercrimes, which were reused and adapted to restrict media practices and peaceful activities.

In Syria, the legal system was used in many of its stages to limit press freedom, through broad and vague legal texts not compatible with international standards, which granted the authorities wide margins in interpretation and application. Reports issued by the Syrian Center for Media Freedoms in the Syrian Journalists Association between 2012 and 2024 confirmed the continued use of penal laws and administrative orders as means to pressure journalists and media institutions and punish them.¹⁵

¹⁴ Enab Baladi, "Syrian 'Alternative' Media in its Eighth Year: Polarization Dominates the Scene", 2019. Available at: <https://2u.pw/ishjH1o>

¹⁵ Syrian Journalists Association Website – Syrian Center for Media Freedoms, Annual Reports. Available at: <https://syja.org/freedom-center>

In the context of the research, it is first necessary to distinguish between the professional principles in ethical journalism and the legal principles regulating media work, since every media institution must adhere to the professional principles in its work to achieve independent ethical journalism.

The Charter of Honor for Syrian Media Professionals specified in its Code of Professional Conduct the professional principles for media institutions. These principles are derived from international standards and laws related to media work, namely: accuracy, truthfulness, and clarity; integrity; respect for privacy; respect for intellectual rights; protection of sources; avoiding slander, insult, and contempt; non-discrimination; respect for the dignity of victims; not encouraging violence or incitement to crime or violation of the law; avoiding stereotyping; not fabricating and avoiding bias; responsibility towards children; avoiding harm and causing damage; and freedom of expression.¹⁶

As for the legal principles, they represent the set of laws regulating journalistic work and the legal rules that frame media work, such as media laws, internal regulations, executive instructions, decisions issued by the Ministry of Information or official bodies, and other related laws.

Since its beginning about a century and a half ago, Syrian journalism has been subject to the laws issued by the ruling authorities in different periods, and it

¹⁶ *Charter of Honor for Syrian Media Professionals – Code of Professional Conduct*, 2015. Available at: <https://almethaq-sy.org/ethicalcharter-file.pdf>

was framed journalism, no more than a tool in the hands of authority, except for short periods in which Syrian journalism witnessed remarkable prosperity.

During the era of Ottoman Sultan Abd al-Aziz (1861–1876), who was inclined at the beginning towards adopting press freedom, the Press Law was issued in August 1865, and the establishment of a Bureau for the Press to monitor the implementation of the law was announced. But the law proved its ineffectiveness in stopping the movement of revolutionary publications and attacks on those in authority. Therefore, the government, in order to maintain public order in the Syrian provinces belonging to the Ottoman state, decided to take all possible measures through administrative means, regardless of the issued laws, to limit the activity of newspapers that neglected and disregarded the essential values and basic principles that are among the most important elements of national journalism.

The administrative system stopped the weak Press Law with its relatively simple freedom and opened the door to authoritarian methods. Three steps were applied to the press: warning, then suspension, then persecution of unwanted newspapers. This situation continued until the First World War in 1914. This law remained until the issuance of the new law in 1909, which came to abolish it correctly. (Shams al-Din al-Rifa'i, 1969).

During the French Mandate (1920–1946), the main feature of the media legislation applied was repression and the issuance of successive decisions to suspend newspapers and confiscate them because of their continuous incitement to struggle to end the French Mandate.

Syria, after independence, witnessed a state of prosperity in the field of press freedoms, and dozens of newspapers and magazines were issued. The Press Law No. 24 of 1946 was issued, which was replaced in 1949 by Law No. 53 under the same title with specific changes and amendments. A number of laws

and decisions were also issued to regulate the activities of printing presses and private periodicals.

The first Ministry of Information in Syria's history was established in 1961. Before that, Syrian journalism and media outlets were under the supervision of the Ministry of National Guidance or by specialized departments at the Council of Ministers and the President of the Republic.

After the Ba'ath Party came to power in 1963, government and party leadership's interest in media increased. As a result of this interest, a number of decrees were issued at the legal level regarding the establishment of large press institutions, such as the *Al-Wahda* Organization for Printing and Publishing, the Arab Advertising Organization, and the Syrian Arab News Agency "SANA". In the same year, Legislative Decree No. 4 was issued, stipulating the closure of all private Syrian newspapers, the confiscation of printing presses, and the closure of publishing houses; thereby suspending the work of Law No. 53 of 1949 which regulated periodical publications.¹⁷

In the same year, Legislative Decree No. 154 was issued, which banned a large number of journalists from media work. Thus, the Ba'ath Party tightened its grip on Syrian media, adopting the policy of silencing voices and controlling everything written and said in the media.

After Hafez al-Assad came to power, Legislative Decree No. 34 of 1975 was issued, by which a censorship system for publications¹⁸ was established under the name of the General Organization for the Distribution of Publications.

¹⁷ Syrian Council Website – Legislative Decree No. 4 of 1963. Available at: <https://2u.pw/ZeDNU>

¹⁸ Syrian People's Website – Legislative Decree No. 34 of 1975. Available at: <https://2u.pw/EGDTx>

According to Republican Decree No. 24 of the same year, this organization was given the authority to monitor all domestic and foreign publications and supervise their distribution. This organization was an iron hand that suffocated media freedom.

In 1990, Law No. 1 was issued, the Law of the Journalists' Union, which stipulated loyalty to the Ba'ath Party and punished any member who deviated from the objectives of this Union.¹⁹

With the arrival of Bashar al-Assad to power, a new development occurred: the issuance of the General Press Law, No. 50 of 2001, granting broad powers to the Prime Minister and the Minister of Information to reject or accept licenses for new newspapers.²⁰

In 2008, Legislative Decree No. 15 was issued, establishing the General Printing Organization, and this decree made all government newspapers printed in this organization by law.

During the years of the Syrian revolution, Syrian media outlets and media workers were subject to laws and legislations in different areas of control on the Syrian scene. Referring to the legal references that frame the professional and ethical standards of media content in the context of freedom of opinion and expression appears very complicated, especially with the multiplicity of Syrian geography divided, and thus the multiplicity of legal references of the de facto

¹⁹ Syrian People's Assembly Website – Law No. 1 of 1990, Union of Journalists Law. Available at: <https://2u.pw/ml9qa>

²⁰ Syrian People's Website – Legislative Decree No. 50 of 2001 on the Freedom of the Press and Libraries. Available at: <https://2u.pw/hPliz>

controlling forces on the ground which necessarily control what they want to bring out to the public according to their agendas.

Today, with the liberation of Syria from Assad's rule, there are main laws framing media work in its different fields, namely Media Law No. 108 of 2011²¹, Cybercrime Law No. 20 of 2022, texts in the General Penal Code, and other laws mentioned previously.

In the areas of North and East Syria, the Autonomous Administration established the Union of Free Media²², and in 2015 announced the first Media Law, composed of 33 legal articles regulating media work inside its areas of control, until a new Media Law was adopted in all of Northeastern Syria in 2021, followed by the issuance of an executive bylaw for the law supervised by the Media Department.

In Northwestern Syria, there was no law regulating media work, although the margin of freedom was greater according to opinion polls and personal interviews conducted by the research preparation team. In 2023, the first draft of a Media Law in Northwestern Syria was issued, worked on by many civil society organizations and independent Syrian media institutions. The Stabilization Support Unit organized legal and dialogue sessions in several areas of Northwestern Syria and in Gaziantep, Turkey, with the aim of reaching a draft Media Law for the future Syria, which would contribute to organizing media work and preserving its freedom.²³

²¹ Syrian People's Assembly Website – Legislative Decree No. 108 of 2011, Media Law. Available at: <https://2u.pw/aGUbO>

²² Free Media Union Website – Charter of Journalistic Work for North and East Syria. Available at: <https://yra-ufm.com/?cat=82>

²³ Stabilization Support Unit, Official Facebook Page, 26 November 2023.

The Syrian Salvation Government, which was active in Northwestern Syria, also created the General Directorate of Media. In January 2023, the “Salvation” announced the first Ministry of Information in the government, with the aim of organizing the media sector and media work.²⁴

It can be said that the authorities of the Assad regime ideologized legal legislations regarding freedom of opinion, expression, and journalistic work, according to agendas that serve its interests. This was evident in the issuance of the Law on Combating Cybercrimes, as its most prominent articles criminalized and included acts that restrict and narrow freedom of opinion and expression, because they are crimes defined in vague and imprecise terms, not specified by clear criteria or definitions or clear pillars of crime, whether mentioned in the new Law No. 20 or in the General Penal Code and its amendments.

The regime put in place many laws in line with repressing any movement or criticism against it. The Cybercrime Law aims at further repression of freedom of opinion and expression, especially with the increasing popular movement and criticism of the government. A report issued by the Syrian Network for Human Rights in August 2023 ²⁵ indicated that the regime authorities committed 146 cases of arbitrary arrest and cases of killing under torture on the basis of Law No. 20 from its issuance until August 2023.

In the same context, Articles 285, 286, and 287 of the Syrian Penal Code provide for imprisonment for anyone who publishes false information or incites racial tensions, but they link that to the condition of undermining the prestige of the state at one time or weakening the morale of the nation at another, without

²⁴ Appointment of Eng. Muhammad Ya‘qub al-‘Umar as Minister of Information in both the Salvation Government and the Syrian Interim Government; later succeeded by Dr. Hamza al-Mustafa in April 2025.

²⁵ *Syrian Network for Human Rights*. Available at: <https://2u.pw/96DWI>

precise definition of what false news is, or what racial tensions are, or even what weakening of national sentiment means. Thus, the door is left wide open for the authorities to repress freedom of opinion, expression, and information whenever it wishes.

The margin of freedom granted to media work and freedom of expression and opinion differs in the areas of Northeastern and Northwestern Syria. Most studies in this regard indicate the diversity and large number of media outlets active in both regions compared to areas under regime control, in addition to the adoption of editorial policies mostly available on their official platforms, indicating adherence to ethical journalism standards, though differing in framing these standards according to donors' agendas at times, or according to the ideologization of the de facto authorities at other times. (Analysis of Hate Speech: Hate Speech, Stereotyping, and Disinformation in the Context of Syrian Media, Muhammad al-Sattouf, 2024).

This is the case in the Media Law issued by the Autonomous Administration, which was followed by administrative decisions restricting media work freely and limiting it. The law, after its adoption, raised reservations from media bodies and workers in the field in the region, due to the lack of independence of the Media Department in the Autonomous Administration, and the existence of articles that restrict media freedoms, such as withdrawing the license from media institutions, as well as articles that authorize the judiciary to demand from journalists disclosure of their sources, in addition to disciplinary and financial penalties imposed for violations.²⁶ This was also denounced by

²⁶ Syria Direct – “Media in Northeast Syria: A Margin of Freedom that Hides Violations and Restrictive Practices”, 2 July 2024. Available at: <https://2u.pw/bXCLA>

Reporters Without Borders, which condemned the strengthening of procedures aiming at the authorities in North and East Syria controlling the media sector in the region, where restrictions imposed on journalists during their work are expanding.²⁷

In Northwestern Syria, the situation seems different compared to other areas of influence. The margin of media practices seems broader on the one hand, but on the other hand legal and professional controls framing these practices are absent, which gave the controlling authorities in the region space to ideologize media practices according to their agendas, thereby restricting media freedoms.

The research preparation team, after the liberation of Syria, examined the media laws in force today in Syria, most notably the laws of the former regime regulating and related to media work, the Media Law currently in force in areas of the Autonomous Administration in Northeastern Syria, and the decisions issued by the Autonomous Administration in this regard.

A. Media Law No. 108 of 2011

The Media Law issued by Legislative Decree No. 108 of 2011 is considered the legal framework regulating media work in Syria. It consists of eight chapters distributed over one hundred and six articles, in addition to the issuance of executive instructions considered as detailed interpretative texts of its provisions. And although this law came after repeated demands for reforming the media system and expanding the margins of freedom of expression, a deep analytical reading of its articles reveals a legal structure that maintains the

²⁷ *Reporters Without Borders* – “Syria: Increasing Restrictions on Journalists in Kurdish Areas.” Available at: <https://2u.pw/mVEda>

essence of authoritarian domination and the restriction of media freedoms under the cover of guaranteeing the “public interest” and the “stability and security of the country.”

The law mentioned at its outset definitions of media terminology, information, media content, media outlet, site register, traffic data, and others. What is notable in it is what the law included in defining the journalist as: “anyone whose profession is authoring, preparing, editing, or analyzing media content, or collecting the necessary information for that for the purpose of publishing in a media outlet.” This definition appears outwardly comprehensive but hides in its content what may negatively reflect on the freedom of practicing media work, since it leaves the door open before the executive authorities to restrict those who do not work within the licensed institutional framework, which makes independent journalists or those working in unregistered media outlets subject to criminalization, exclusion, or security pursuits. This necessitates a comprehensive review of the terms in the law.

The law affirmed in its Article 2 the principle of independence of media and freedom of its practice, as it stated: “Freedom of the media shall not be restricted except in accordance with the provisions of the Constitution and the law.” However, this text, despite its importance, loses its effectiveness when later restricted by a set of exceptions that grant the executive authority quasi-absolute power in evaluating media content and controlling it according to what it deems appropriate, which empties the text of its practical content.

According to the law, the practice of media work is built on a number of basic rules derived from the Constitution, the Universal Declaration of Human Rights, and the international agreements ratified by the Syrian state. However, adherence to these standards remained merely formal. The law soon referred

media practice to a narrow framework conditioned by broad concepts open to wide interpretation by the authorities, and obliged media outlets to respect them, which creates a space for arbitrary accountability, especially in the absence of a truly independent judiciary during the era of the former regime.

Law 108 obligated media outlets to adhere to the contents of the Press Code of Honor issued by the Syrian Journalists' Union, which keeps media practice under the guardianship of an institution that was closely linked to the political and security authority²⁸. This contradicts the principle of self-regulation of the profession, compared to what is practiced in advanced countries in the field of media freedoms.

It is true that the law granted journalists a set of privileges, such as not being subject to prior censorship, not being forced to disclose their sources of information except by judicial order and in a closed session, and the right to seek and obtain information “of any kind and from any source,” and to publish it after verifying its accuracy. However, these privileges, despite their importance, remained in a theoretical framework and could not be practiced freely. The law restricted them by granting the Council of Ministers the authority to issue decisions specifying the types of information that public entities are allowed to withhold, which practically means that the executive authority is the one that decides what should be known and what should not. This contradicts the principle of transparency and restricts the ability of the

²⁸ Syrian People's Assembly Website – Article 3 of Law No. 1 of 1990 (*Union of Journalists*): states that the Union is a professional organization aligned with the objectives of the Arab Socialist Ba'ath Party. Available at: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=16479&ref=tree&>

media to perform its oversight role expected of it in shedding light on problems.²⁹

And in case a journalist requests from any public entity to obtain information, the law placed the journalist in a complicated path. On the one hand, it allowed journalists to request obtaining information, but on the other hand it granted public entities absolute comfort in this matter, since their non-response to journalists' requests is considered a refusal. The law stated that public entities are obligated to respond to journalists' requests to obtain information within seven days; otherwise, the non-response is considered an implicit refusal. In case of refusal, the journalist is allowed to resort to the Administrative Judiciary Court to challenge the refusal of public entities to provide journalists with information, provided that the court decides on the request within one month from the date of its submission. However, these mechanisms and procedures, even if they appear to be legal guarantees, are in reality lengthy procedures that cause the information to lose its news value, and place the journalist in legal mazes requiring complicated legal, financial, and temporal resources. Not to mention that the administrative judiciary itself often operates according to what public institutions see. This makes the promised legal protection practically useless, and therefore it has become important to note the need to amend these procedures and mechanisms in a way that allows practicing media work freely.

Perhaps the most dangerous content in the law is the list of prohibitions which media outlets are banned from publishing materials related to them, including publishing any content that might harm "national unity," or "national security," and everything considered an "offense to the symbols of the state."

²⁹ Article 9, paragraph (w), of Law 108: empowers the Council of Ministers to determine types of information public authorities may withhold.

This list shows the size of restrictions imposed on freedom of expression and media practice, not only in terms of the wide scope of prohibitions, but also in terms of the nature of the terms used such as “national unity,” “national security,” “symbols of the state.” These are vague and elastic terms not accurately defined in Syrian laws. Their interpretation and application are left to the executive authorities, specifically the security agencies during the era of the former regime. These terms, during past decades, constituted an effective tool for silencing voices and repressing journalists. They were used to prosecute any investigation or report revealing the corruption of an official or negligence in a government institution, by considering it as harming security or defaming the symbols of the state. This was documented by reports of the Journalists’ Association, through the arrest of journalists based on media reports that exposed corruption of Assad regime officials since 2011.³⁰

In a similar context of veiled legal domination, the law stated that “the provisions of the Penal Code and the laws in force shall apply to every crime not specifically addressed in this law.” This constitutes an open referral to a highly complex legal system, including exceptional laws such as the Anti-Terrorism Law, which was previously used to criminalize journalists and prosecute them before exceptional courts that lack the minimum conditions of fair trials. This represents a serious violation of the principle of proportionality between act and punishment, and undermines the concept and mission of media work. Thus, the executive authorities left the door wide open to punish any

³⁰ *Syrian Journalists Association, Annual Report: Analysis of data from March 2011 to December 2024* documented 1,546 violations, including 478 killings (327 by the Assad regime), 414 detentions, 386 assaults, 132 institutional violations, and 136 other cases. Available at: <https://syja.org/archives/31949>

journalist who dared to work outside the agendas of the former regime authorities.³¹

Although the law created the National Media Council and defined its duties, powers, and objectives in Chapter IV, and granted it legal personality and financial and administrative independence, this personality and independence are nothing more than a formal, shapeless body. From the manner of its appointment and the linking of its core decisions to the Council of Ministers, to the powers granted to it, the legal texts in the same chapter undermined this personality and independence. This turned it into an executive tool in the hands of the executive authorities, and emptied it of its meaning as an independent regulatory body, contrary to international standards of independence for media regulatory bodies (Broadcasting, Voice, and Accountability, 2008).

An example of this is Article 22 of the law, which granted the Supreme Council for Media wide powers, including “drawing all matters related to media policies,” “establishing the bases and controls necessary for organizing the media sector,” “issuing necessary regulatory decisions and regulations,” as well as “setting the conditions related to granting licenses for media outlets.” However, these powers were undermined by subsequent approvals of the Council’s decisions which must be ratified by the Council of Ministers. Thus, these powers became only formal, since the independence of a council whose executive and decisive decisions are tied to the approval of the executive authority itself cannot be valid. This makes the council merely a tool to reproduce government directions in a regulatory guise.

³¹ *Human Rights Watch* – “Syria: Use of the Counter-Terrorism Court to Stifle Opposition”, 25 June 2013. Available at: <https://www.hrw.org/ar/news/2013/06/25/250229>

The law did not stop at entrenching this approach, but went further when it exceeded the powers of the judiciary, in the text regarding the powers of the council to suspend publishing or broadcasting or cancel licenses of media outlets, stating: “In all cases where this law allows a ruling to suspend the media outlet from publishing or broadcasting or to cancel the license, the competent judiciary, based on the request of the council, shall issue a decision with immediate enforcement to suspend publishing or broadcasting temporarily until the issuance of the final judgment.” This clearly reflects the authorities’ tendency, by granting the council the power to request temporary suspension even before a final judgment, which threatens to suspend the activity of media outlets through quick administrative decisions under a legal judicial cover.

Regarding granting licenses to media outlets, although the law granted this power to the National Media Council, it stated in Article 37, paragraph (d), that the license in question does not become effective until it is ratified by the Council of Ministers. As for the restrictions contained in Article 104 of the law, they indicate that social media on the network is not exempt from obtaining the necessary license in accordance with other effective laws, and that the council may require obtaining a license as a condition for accrediting these means. At the same time, the article allows the competent public entities to set additional conditions for accrediting social media outlets that provide content related to the nature of those entities’ work.

With all these restrictions on granting licenses, the executive instructions of the law themselves added more, when they interpreted Article 6 regarding obligating media outlets to allocate no less than 5% of their total annual advertising space for public benefit advertisements free of charge, such as

environmental, public health, cultural advertisements, and those for civil society organizations, and others.³²

Even though the National Media Council was of a shapeless character emptied of the practical content of a body supposed to organize media work with complete independence, Assad's regime issued Legislative Decree No. 23 of 2016, by which it abolished the provisions of Chapter IV of the Media Law issued by Legislative Decree No. 108 of 2011, i.e., abolishing the National Media Council and transferring all duties and powers that the council had to the Ministry of Information.³³ Accordingly, it is not legally consistent to transfer duties and powers that were granted to a body considered an independent authority with legal personality, whose goal was to regulate media work that is supposed to be independent and free, to another body of the executive authorities even if it is the Ministry of Information, which naturally expresses the opinion and agendas of the authorities!

B. Law No. 19 of 2024

In the year 2024, the Assad regime issued Law No. 19 providing for the establishment of the Ministry of Information, to replace the ministry established by Legislative Decree No. 186 of 1961 with its rights and obligations. The law consists of 18 articles, through which it expanded the powers of the Ministry of

³² Article 22(c), Law 108: requires regulations issued by the Media Council to be published in the Official Gazette after approval by the Council of Ministers.

³³ *Al-Iqtisadi – Full text of the Executive Instructions of the Media Law in Syria*, 2 February 2012. Available at: <https://2u.pw/i4aCy>

Information and enabled it with oversight tools in addition to what was the case in previous similar laws.³⁴

The law, through its texts, clearly violates freedom of the media and opinion and expression, and has become a new means to control the work of journalists, control media content, and exercise more oversight over the private press and printed materials that enter the country, as well as imposing more restrictions on the drama industry.³⁵

Article 4 of the law specified the tasks of the Ministry of Information with broad powers that entrench state control over the media sector, and subject the various aspects of journalistic and media work to direct supervision by the executive authority. The law granted it the authority to set regulations for organizing the media sector and investment in it, to communicate with foreign media in order to convey state policies to external public opinion, to coordinate with international organizations for training media cadres, in addition to undertaking research, studies, and opinion polls, supervising the advertising industry, organizing the distribution of printed materials, reviewing drama content and organizing its production, as well as regulating the work of foreign correspondents, monitoring printed materials entering Syria, monopolizing the representation of Syrian media and drama abroad, and granting licenses to publishing houses and media service companies.

Articles 8 and 9 of the law also stipulated the formation of the “National Drama Committee,” empowered to set policies for drama production, review its texts, and determine mechanisms for its export.

³⁴ *Syrian Prime Ministry Website* – Legislative Decree No. 23 of 2016 abolishing Chapter IV of Media Law No. 108/2011, transferring powers of the National Media Council to the Ministry of Information. Available at: <https://2u.pw/BKkzG>

³⁵ *Official SANA Website* – Full text of Law No. 19 of 2024. Available at: <https://sana.sy/?p=2075689>

It is noted that these powers also extend to withdrawing functions that were granted to existing professional institutions such as the Syrian Journalists' Union, as Article 12 stipulated the transfer of the power to grant documents proving media status from the Union to the Ministry of Information, which reflects a clear orientation towards centralizing media decision-making and subjecting it to direct governmental oversight, at the expense of the independence of the profession and its professional unions.

C. Cybercrime Law No. 20 of 2022

In 2022, the Assad regime issued the Cybercrime Law to reorganize the penal legal rules of cybercrime contained in Legislative Decree No. 17 of 2012. Law 20 consists of seven chapters distributed over 50 articles.³⁶

Continuing the previous approach of imposing complete domination over the media and preventing any manifestation of independent media, the Assad regime government adopted systematic policies based on restriction and blocking, parallel to the policy of silencing practiced in the internal sphere. Documentation showed the blocking of 161 websites in Syria up to April 28, 2008, including prominent sites such as "YouTube," in clear indication of the comprehensive nature of this repressive policy towards the digital space. (*Taming the Internet, Syrian Center for Media and Freedom of Expression, 2008*).

³⁶Syrian Network for Human Rights – "Law No. 19 of 2024 establishing the Ministry of Information blatantly violates media freedom and freedom of opinion and expression", 13 June 2024. Available at: <https://2u.pw/ZepLb>

Law 20 abolished Decree 17 of 2012, and defined information, network and software, application, website, digital content, service providers, privacy, traffic data, and other definitions, some of which were mentioned in another law such as Media Law 108.

The law expanded the scope of cybercrime beyond what was in the repealed Decree 17. It defined it as: “A criminalized conduct according to the provisions of this law committed by means of information technology, targeting information or information systems, or related to adding digital content on the network.” Whereas the repealed Decree 17 defined it as: “A crime committed using computer devices or the network, or occurring on information systems or the network.” That is, Law 20 considered that digital content added on the network is considered a crime if it violates the provisions of the law.

Accordingly, content related to freedom of opinion and expression, and even publishing correct information (such as publishing the real value of the Syrian currency against foreign currencies), can be considered a crime according to the same law.³⁷

Law 20 added new types of crimes covered by its provisions, which undermine the work of journalists and media outlets and restrict freedom of opinion and expression. Article 27 stipulated that: “Anyone who created or managed a website or an electronic page or published digital content on the network with

³⁷ *Syrian Ministry of Communications and Technology* – Full text of Cybercrime Law No. 20 of 2022. Available at: <https://mact.gov.sy/news-0015>

the intent to provoke acts aimed at or calling for changing the constitution by illegal means, or detaching part of Syrian territory from the sovereignty of the state, or provoking armed rebellion against the authorities existing by the constitution or preventing them from exercising their functions derived from the constitution, or overthrowing or changing the system of government in the state...” Likewise, Article 28 when it stipulated that: “Anyone who by one of the means of information technology publishes false news on the network that would undermine the prestige of the state or harm national unity...” and Article 29 which stipulated that: “Anyone who created or managed a website or an electronic page or published digital content on the network with the intent to cause depreciation or instability or to undermine confidence in the national currency or its exchange rates set in the official bulletins...” and other legal texts which in the context of the law took a strict orientation regarding type of punishment and fines.

And as we mentioned in the framework of analyzing the provisions of Media Law 108 of 2011, the Assad regime used similar terms as in previous laws, through using vague terms that the regime and the security services could interpret in the manner they see fit in the framework of disseminating and circulating information and news as well.

With such vague texts and terms open to multiple interpretations, anyone publishing in the electronic space, whether individuals or institutions, can be punished, and they allow the security services to pursue and arrest them. This

approach in interpreting the texts of Law 20 was also followed by its executive instructions.³⁸

D. Syrian Penal Code (provisions related to freedom of expression, publication, and media work)

The Syrian Penal Code No. 148 of 1949 and its amendments does not differ from other laws in terms of its general approach to dealing with the issue of freedom of opinion and expression and regulating some media practices. Although it constitutes the general framework that organizes the basic rules related to freedom of opinion and expression and the practice of media work in Syria, it was limited to some specific legal texts.

Article 285 of the Penal Code stipulates: “Whoever in time of war or when expecting its outbreak engages in propaganda aiming to weaken national sentiment or to awaken racial or sectarian strife shall be punished with temporary imprisonment.”

Article 286 stipulates: “He shall be punished by imprisonment for one to three years any Syrian who published abroad, or helped in publishing false or exaggerated news that would undermine the prestige of the state or its financial standing.”

³⁸ Syrian Network for Human Rights – “Law No. 20 of 2022 entrenched repression of freedom of expression, causing arbitrary arrests and torture.” 2022. Available at: <https://snhr.org/arabic/wp-content/uploads/sites/2/2023/08/R230812A.pdf>

Article 287 stipulates: “Whoever in Syria, in cases other than those stated in the previous article, publishes false or exaggerated news that would weaken the morale of the nation shall be punished by imprisonment for six months to three years.”

Some of these vague terms were also mentioned in the Media Law and other laws regulating media practices. All previous laws, including the Penal Code, agreed in their general approach of lacking a criterion and standard for interpreting them. There is no clear criterion for interpreting what is meant by undermining the prestige of the state, or weakening national sentiment, or weakening the morale of the nation. Rather, Assad’s regime used these terms, as we explained in the discussion of Media Law 108, to repress freedoms and silence voices, including ideologizing media according to its policies. The regime’s security services went further by killing and pursuing journalists and anyone working in the media sector if they strayed outside the regime’s official narrative.

E. Media Law in Areas Controlled by the Democratic Union Party (PYD)

The Autonomous Administration affiliated with the Democratic Union Party (PYD) announced in 2015 the first Media Law, composed of 33 legal articles regulating media work inside its areas of control, until a new Media Law was adopted in all of Northeastern Syria in 2021, followed by the issuance of an executive bylaw for the law supervised by the Media Department in the Autonomous Administration.

The law issued in 2021 contains articles restricting media freedoms, the most prominent of which are those contained in the executive bylaw of the law with provisions granting the “Media Department” the authority to “withdraw the

work license directly from any media institution or journalist if its work is hostile to the values and sanctities of the people and institutions in North and East Syria,” without precise definition of the concept of “values and sanctities,” which opens the way to arbitrary interpretations according to what the authorities there see.

Also, the texts that prevent the journalist from addressing the private life of officials or public figures, without distinguishing between personal conduct and functional conduct, contradict principles of transparency and public accountability. The problem increases when judicial authorities are authorized, according to the law, the right to demand from the journalist disclosure of his sources of information in some cases, which represents a violation of international standards that consider protecting sources of information as one of the basic pillars of press freedom. In addition, the Media Department affiliated with the Autonomous Administration monopolizes comprehensive powers without actual guarantees of oversight or accountability, which undermines the principle of self-regulation of journalists and press freedom.

It is notable that the executive bylaw of the law created some provisions not mentioned in the law, where the law imposed disciplinary and financial penalties on journalists and institutions, including suspending the journalist from work, and imposing financial fines starting from 100 US dollars and reaching 500 US dollars, while the fine imposed on media institutions may reach 1000 US dollars, according to what was mentioned in the articles related to violations and media discipline in the executive bylaw.³⁹

³⁹ *Syrian Ministry of Communications* – Executive Instructions of Law 20 (Decision No. 207/2022). Available at: <https://2u.pw/cvGdJ>

Areas of the Autonomous Administration have witnessed continuous decline in press freedoms since the issuance of the Media Law in May 2021, where many media institutions were closed, others were banned from working, and violations against journalists continue, especially those working in independent media outlets. In February 2024, restrictions against press freedoms escalated, by imposing the provision of information about workers in media outlets to the Autonomous Administration, and the Media Department is accused of restricting through procrastination in renewing licenses, imposing red lines that expose journalists to prosecution, and granting permits only to parties that align with the political orientation of the Administration.⁴⁰

F. International Standards Related to Media Freedom

International standards of media freedom constitute the basis upon which democratic states build their media systems, and they are a legal and ethical reference guaranteeing the protection of freedom of expression, strengthening the independence of media outlets, and protecting journalists from violations and restrictions. Article 19 of the Universal Declaration of Human Rights (1948) is considered the cornerstone in this framework, as it stipulates that: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.”⁴¹

⁴⁰ *Muhamah Net* – “Legislation as a Primary Source of Syrian Law”: executive regulations are organizational tools, not substitutes for primary law; they cannot create or amend statutory provisions. Available at: <https://2u.pw/pOOnd>

⁴¹ *Syria Direct* – *Media in Northeast Syria: A Margin of Freedom Hides Violations and Restrictive Practices*, 2024. Available at: <https://2u.pw/bXCLA>

The International Covenant on Civil and Political Rights (1966), which the Syrian Arab Republic acceded to by Law No. 25 of 1969, also enshrined this right in Article 19 as well, but added a binding legal dimension for State parties, as it stipulated that: “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.” The Covenant also indicated that any restrictions imposed on this right must be necessary, prescribed by law, and aimed at achieving a legitimate interest such as respect for the rights of others or protection of national security and public order.

Other documents and reference frameworks of guiding or consensual nature reinforce these principles, such as:

- The Windhoek Declaration (1991) issued by UNESCO, which emphasized the importance of independence and plurality of media outlets, especially in countries emerging from conflicts or undergoing political transition.⁴²
- The Johannesburg Principles (1995), which provide precise guidance on balancing freedom of expression with the requirements of national security, and affirm that restrictions must be narrow in scope, subject to judicial review, and not arbitrary.
- The Munich Declaration of Journalism Ethics (1971), which identified ten professional principles governing journalistic work, foremost of which are

⁴² United Nations Website – Universal Declaration of Human Rights. Available at: <https://www.un.org/ar/about-us/universal-declaration-of-human-rights>

respect for truth and the public's right to knowledge, rejection of distortion, non-discrimination, and respect for individuals' privacy.⁴³

Alongside these documents, international organizations such as Reporters Without Borders, the Committee to Protect Journalists (CPJ), and the International Federation of Journalists are active in monitoring the extent to which states respect media freedom, and they issue periodic reports used as indicators to evaluate the media environment and the level of freedoms therein.⁴⁴

In the Syrian context, these standards are considered vital evaluation tools, given the weakness of national legal frameworks and the absence of effective guarantees for media independence and the safety of journalists. The laws in force in different areas of control often contradict these principles, whether by imposing censorship, restricting plurality, limiting access to information, or criminalizing critical expression.

The importance of these international standards in the Syrian case appears as a reference to identify the gap between the desired and the actual reality, and to formulate recommendations based on globally recognized standards in order to enhance media freedom, protect journalists, and develop the legal structure in line with Syria's obligations as a member of the United Nations, even if it is not actually committed to those principles.

⁴³ *Windhoek Declaration* (UNESCO, 1991). Available at: <https://www.un.org/sites/un2.un.org/files/2020/04/windhoekdeclaration.pdf>

⁴⁴ *Munich Declaration of Journalistic Ethics* (International Federation of Journalists, 1971). Available at: https://www.ifj-arabic.org/fileadmin/user_upload/IFJ_Declaration_of_Principles_on_the_Conduct_of_Journalists.pdf

In general, the legal texts in Syrian laws contradict the principle of legality which requires that penal texts be clear, precise, and not subject to interpretation, as stated in Article 15 of the Covenant.

They also do not comply with Article 19 of the same Covenant, nor with General Comment No. 34 issued by the Human Rights Committee, which emphasizes that restrictions on freedom of expression must be “clearly defined,” “necessary,” and “proportionate.”⁴⁵

Likewise, the independence of media regulatory bodies from the executive and legislative authorities is a basic condition to guarantee a free and pluralistic media environment. This was affirmed by international principles regulating freedom of expression and media broadcasting. From a legal point of view, these bodies should not be subject to direct subordination to any governmental body or political interests, because that poses a direct threat to their neutrality and credibility. This was explicitly stated in the “International Principles for Media Legislation” issued by ARTICLE 19, which stress that regulatory bodies should be established by clear laws, and that their powers should be granted within a framework of transparency and accountability, away from political or governmental influences.⁴⁶

A study titled *Broadcasting, Voice, and Accountability* issued by the University of Michigan Press in cooperation with the World Bank pointed out that one of the basic pillars of organizing the media sector in a democratic way is the establishment of independent bodies that regulate and monitor media performance, and are granted clear powers to ensure compliance with

⁴⁵ UN Human Rights Committee, *General Comment No. 34 (2011)*: paras. 22 and 25 emphasize that restrictions on freedom of expression must be precise, necessary, and proportionate, and laws must be accessible and not give the executive unlimited discretion.

⁴⁶ ARTICLE 19, International Standards: Regulation of Broadcasting Media, www.article19.org

professional standards without interference from the government or political actors.⁴⁷

Any breach of this rule constitutes a violation of the public's right to free and pluralistic media, and empties the principle of self-regulation of its content, and contradicts states' obligations under the International Covenant on Civil and Political Rights, especially Article 19 thereof.

It becomes clear from analyzing the legal framework regulating media work in Syria, whether under successive governments or de facto authorities, that there is a deep gap between these legislations and the international standards that guarantee media freedom and protect journalists. The prevailing legal environment is characterized by ambiguity, restriction, multiple references, and prioritization of the security aspect over the rights aspect. This produced a fragile media reality, where freedom of expression is under constant pressure, and media work is practiced in the absence of legal guarantees and independence.

In contrast, international standards provide an integrated system that guarantees media freedom as an inherent right that cannot be restricted except in the narrowest limits and under clear and justified conditions, making them an

⁴⁷ Buckley, S., Duer, K., Mendel, T., & Ó Siochrú, S. (2008). *Broadcasting, Voice, and Accountability: A Public Interest Approach to Policy, Law, and Regulation*. University of Michigan Press & The World Bank. <https://press.umich.edu/Books/B/Broadcasting-Voice-and-Accountability>.

indispensable reference for any legal reform process aiming to build free and responsible media.

The sharp disparity between local legal texts and international standards requires a comprehensive review of the legislative system related to media in Syria, to ensure harmonization with international human rights obligations, and to establish a legal environment that supports media independence, protects journalists, and entrenches the principle of accountability instead of punishment.

G. Importance of Freedom of Forming Unions, Supporting Them, and Guaranteeing Their Independence

Press unions play a pivotal role in protecting media freedom, defending journalists' rights, and enhancing professional practice. Independent unions are considered one of the basic guarantees of a free and pluralistic media environment.

International standards affirm that the right to freely establish and join unions is an inseparable part of basic human rights. The International Covenant on Civil and Political Rights stipulated in Article 22 that: "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests." The International Covenant on Economic, Social, and Cultural Rights enshrined this right in Article 8 as well,

emphasizing the freedom of unions to operate without interference from authorities.⁴⁸

In the same context, ILO Convention No. 87 of 1948 concerning “Freedom of Association and Protection of the Right to Organize”⁴⁹ is the basic reference to guarantee the independence of unions. It affirms the right of workers, including journalists, to establish their organizations freely without state interference, and to manage their affairs and organize their activities and set their internal rules freely. The convention explicitly states that public authorities must refrain from any interference that would restrict this right or hinder its lawful exercise.

In Syria, the union reality remained subject to state domination for decades, especially under the rule of the Ba’ath Party and the Assad regime, which linked union work with political leadership. This was reflected in the Syrian Journalists’ Union, which acts as an institution practically affiliated with the executive authority, without organizational independence or real representation of journalistic will. Current Syrian laws, including the Trade Union Law, prohibit any attempts to establish alternative or independent unions, which makes it difficult for journalists to express their interests freely or defend themselves against violations and pressures.

With the development of the media scene and the multiplicity of ruling authorities in Syria after 2011, alternative professional initiatives emerged in some areas, most notably the Syrian Journalists’ Association, established in 2012 as an independent initiative outside the official authority framework.

⁴⁸ United Nations website: International Covenant on Civil and Political Rights: <https://2u.pw/LZCHm>.

⁴⁹ United Nations website: Freedom of Association and Protection of the Right to Organize Convention: <https://2u.pw/jA4ip>.

However, these initiatives still lack legal recognition inside Syria, which places them in a state of legal fragility and limits their ability to directly influence policy-making or defend journalists within the national system.

The absence of a modern law guaranteeing freedom of union organization, and the continued subordination of press unions to official institutions, constitutes one of the main obstacles to developing a free and independent media environment in Syria. Therefore, there is a need for comprehensive legislative reform guaranteeing journalists their right to free union organization in accordance with international standards, including the enactment of a new union law recognizing the right to union plurality, prohibiting authorities from interfering in their affairs, and enshrining their financial and administrative independence.

This step is essential to guarantee the protection of journalists, strengthen their ability for collective bargaining, and contribute to shaping media policies from the position of partner, not subordinate. It must be an essential part of any political or legal reform process in Syria's future.

H. Foundational References for Media Freedom in Syria: From the Demands of the Revolution to Constitutional Guarantees

To ensure free media in Syria, three axes are needed: a philosophical reference and convictions that are principles adopted by society, the state, and the judiciary, and form the basis for laws; a constitutional and legal reference that guarantees freedom of expression; and an independent judiciary that guarantees the interpretation and application of media freedom laws.

First: The Philosophical Reference

The Syrian revolution which erupted in March 2011 constituted one of the most prominent milestones of popular mobilization in the Arab world. Its central demands were summarized in freedom, dignity, and ending authoritarianism. The revolution came as an extension of the wave of the “Arab Spring,” but it carried a Syrian specificity in terms of the structure of the regime, the complexity of the social and political composition, and the speed of the militarization of the conflict. In this context, the concept of freedom emerges as a central principle forming the core of the revolutionary discourse, and a main determinant of Syrians’ aspirations in rebuilding their state and society.

Since the Ba’ath Party seized power in 1963, Syria lived under a state of emergency and under the domination of security services. Authoritarianism was entrenched with the rise of Hafez al-Assad to power in 1970, through a police state excluding opponents, confiscating media, and turning authority into a tool of absolute control. This approach was entrenched during the era of Bashar al-Assad, despite the reformist discourse that accompanied the beginning of his rule.⁵⁰

The revolution began in the city of Daraa, by youth who wrote on the walls slogans demanding the overthrow of the regime. The authority confronted this peaceful movement with repression and violence, which led to the expansion of the protests. Freedom was one of the first raised slogans, such as: “Freedom forever, in spite of you, O Assad,” which reflects the Syrians’ thirst for liberation from repression and authoritarianism.

⁵⁰ David Kaye, "Speech and Silence in Syria: Assessing the Limits of Expression in a Context of Conflict," Center for International Human Rights, Northwestern University School of Law (2012).

During the revolution, Syrian revolutionary discourse was distinguished by its emphasis on freedom of opinion and expression as a basic right absent for decades, on freedom of political and civil organization as an alternative to one-party rule, on media freedom and accountability as a tool to reveal truth and hold power accountable, and on freedom of belief and affiliation rejecting sectarian discrimination and exclusion.

The Syrian revolution represented a deep expression of popular yearning for freedom after decades of authoritarianism. Despite the faltering of the political track and the transformation of the conflict into a humanitarian and geopolitical catastrophe, freedom remains the moral essence of the revolution, and a horizon that cannot be bypassed in any project to build Syria's future. Freedom is not only a political demand, but a comprehensive framework for human dignity, justice, citizenship, and democracy.

This revolutionary principle can be adopted as a reference and basis for laws supporting media freedom in Syria, based on the principle of the free marketplace of ideas and the prevention of prior censorship of media.

Second: The Legal Reference

The Constitutional Declaration was put forward as a transitional document aimed at establishing the foundations of a new democratic system guaranteeing public rights and freedoms, after a series of political and rights transformations that Syria has witnessed since 2011 until the downfall of the Assad regime. At the top of these freedoms guaranteed by the Constitutional Declaration emerges media freedom as one of the essential indicators of the political system's transformation towards respecting plurality and transparency. Media freedom acquires doubled importance in the Syrian context, given the heavy legacy of repression and security control over means of expression.

The Constitutional Declaration is a temporary document adopted in stages of political transition to define the general principles upon which the state is based, organize authorities, and guarantee basic rights. It often constitutes the legal framework upon which permanent laws are built, especially in contexts witnessing collapse of the previous regime or re-establishment of constitutional legitimacy.

The Constitutional Declaration issued in March 2025 consists of 53 articles in four chapters: ⁵¹general provisions, rights and freedoms, system of governance during the transitional phase, and final provisions. Among them are explicit texts elevating freedom of expression and media freedom, including:

The text that media freedom is guaranteed, and it may not be restricted except by law and within the limits of respecting public order and the rights of others.

⁵¹ Official page of the Presidency of the Syrian Arab Republic: Text of the Constitutional Declaration, March 2025: <https://2u.pw/lyrav>.

Article 13: “The state guarantees freedom of opinion and expression and media and publication and press,” which can be interpreted as a prohibition of prior censorship on media outlets, a guarantee of media independence from the executive authority, and criminalization of assaults on journalists and media institutions.

The Constitutional Declaration forms a supreme reference for any future media law, guaranteeing that no laws contradicting the principles of freedom of expression are passed, and immunizing journalism from authority interference, through stipulating independence. It also provides legal protection for media outlets from political or administrative domination. Encouraging diversity and plurality, by opening the way for media plurality without the need for political licensing, the Declaration contributes to creating a free and pluralistic media climate. It allows resort to constitutional judiciary to challenge any decision or law violating media freedom, enhancing the role of the judiciary as guarantor of freedoms.

The Constitutional Declaration in Syria constitutes a legal and historical opportunity to re-establish a new relationship between state and society, based on respecting media freedom as a basic indivisible right. Commitment of authorities and institutions to the contents of this Declaration will contribute to building a free media environment, supporting democratic transition, and entrenching the culture of transparency and accountability.

If this Declaration is coupled with clear legislations and independent institutions, then media freedom in Syria can transform from a revolutionary demand to a sustainable constitutional and legal reality.

Third: Results of the Survey

In the framework of preparing the research study on ethical journalism and the laws regulating media work in Syria, the Association's team conducted a focused survey, which included 140 male and female journalists, at a rate of 40% females and 60% males, with the aim of examining the extent of their knowledge and awareness of the topics related to ethical journalism, and the most prominent laws that regulate media work and its standards in Syria.

The youth category constitutes the largest percentage of participants in the survey, as 40.7% of the participants in the survey are aged between 30 and 39 years, while the ages of 29.3% of the participants ranged between 40 and 55 years, and 26.4% ranged between 19 and 29 years.

As for the place of residence of the participants in the survey: 21 male and female journalists from Damascus Governorate answered the survey, which is the same number that answered from Hasakah Governorate. Aleppo Governorate witnessed 6 participations, Idlib 8 participations, and the same in Daraa and Raqqa. Deir ez-Zor witnessed 13 participations, Homs 9 participations, Tartous 7, Latakia 11 participations, Hama 5 participations, and the same number from Rural Damascus Governorate, and from As-Suwayda 6 participations, and from Quneitra one participation, while 11 male and female journalists from outside Syria participated in the survey.

With regard to the current workplace of the participants in the survey: 48.6% of the participants work in various media outlets, while 38.6% work independently (freelance), whereas 12.9% work as journalists in civil society organizations.

In terms of type of work: 58.6% of the participants work as editors and correspondents and have a role in content preparation, while 20.7% enjoyed

leadership positions and decision-making powers in their institutions or had an administrative or advisory role in them.

And 45.7% of the participants possess media experience ranging between 5 and 10 years, while 34.3% possess experience of more than 10 years, whereas the experience of 20% of the participants was less than five years. This indicates that the largest percentage of participants are those who possess excellent experience in journalistic work.

And regarding the evaluation of the role that journalism plays in Syria with regard to the following topics:

- In the field of conveying information, 49 participants in the survey confirmed that the role of journalism in Syria concerning the conveying of information is a medium role. While 44 participants indicated that the role it plays is good.
- And it is remarkable that 83 participants in the survey clarified that the role journalism plays concerning combating corruption is a weak role, and this has its significance which must be paused at and the points of weakness well understood and foreseeing how to overcome them. And it appears that this is related to the weakness of the role of investigative journalism and the small number of those working in it in Syria, as one of the most prominent reasons for the weakness of the role of Syrian journalism in combating corruption.
- With regard to the role of journalism in strengthening democracy, 61 participants indicated that the role of journalism is also weak in this respect, while 44 participants clarified that its role is medium.
- 53 participants said that the role of journalism is medium concerning social awareness, and this is the largest percentage among those surveyed regarding the same question, and this role has its significance in the critical stage that Syria is living. For what the past month of March

witnessed of events indicates the lack of Syrian media of the central role in enlightening society. While 36 participants indicated that it is a weak role in this respect.

- With regard to the role of the media in strengthening freedom of opinion and expression in the country, 60 participants said that the role of the media is weak, while 45 clarified that it has a medium role.
- With regard to the role of the media in defending human rights, 49 participants indicated that the role of the media is medium in this framework, and 47 participants clarified that it has a weak role. And this also has significance regarding the regime's control of the media in the critical stage that Syria lived during the past period.
- And regarding its role in combating discrimination, 59 participants said that its role is weak, and 45 participants indicated that its role is medium.

Ethical journalism in Syria suffers from multiple challenges that affect its performance and its independence, foremost among them the spread of media disinformation, where 70.7% of the journalists participating in the survey confirmed that it represents the most prominent feature that aggravates the problems of ethical journalism, which imposes additional challenges related to credibility and transparency in conveying the news.

Security challenges constitute a main obstacle before journalists, where 62.9% of the participants pointed to the risks and violations that media workers are exposed to during the performance of their work, which necessitates finding effective solutions, such as providing specialized training for coverage in dangerous areas and providing legal and field protection for journalists. Also, the monitoring of authorities of the journalists represents a fundamental challenge, as 60.7% of the journalists see that this matter limits the freedom of

the press, which requires putting in place clear legal mechanisms that guarantee the independence of the media and strengthen its oversight role.

On the other hand, the media sector suffers from a lack of expertise and professional challenges, where 59.3% of the journalists participating clarified that there is an urgent need to strengthen journalistic skills through continuous training to keep pace with global media developments. Added to that are the legal challenges, which 55% of the journalists pointed to, represented in the disparity of laws between Syrian regions, or their absence in some areas, and the lack of legislations that protect journalists and guarantee their rights.

Political factors also play a role in framing journalistic work, where 36.4% of the participants see that internal and external political agendas impose restrictions on the standards of ethical journalism, which may lead to its deviation from its basic objectives. As for the economic challenges, 45.7% of the journalists confirmed that difficult financial conditions clearly affect the independence of journalism, where many journalists rely on sources of funding that may affect their editorial approach, which reflects on their commitment to ethical standards.

Confronting these challenges requires putting in place clear editorial policies, and strengthening the capacities of journalists, in addition to providing a legal environment that protects media workers and guarantees freedom of expression according to solid professional and ethical standards.

And regarding the extent of application by media outlets operating in Syria of the principles of professional and ethical journalism in dealing with media content, 67.9% of the participants said that the media outlets operating in Syria try to apply the principles of ethical journalism in their work to some extent, while 25% of the participants confirmed that Syrian media outlets do not apply the ethical principles in their work, and 7.1% pointed to that they apply them

well. The answers of the 140 male/female journalists to this important question reflect the extent of the Syrian journalists' knowledge of the principles of ethical journalism, and bring us back to the necessity of understanding the needs of journalists for training in general.

And regarding the professional and ethical principles of journalistic work most violated in the media outlets that are active in Syria, 60% of the journalists participating in the survey said that the spread of hate speech is the most prominent feature now on the Syrian scene, in its various forms and means, as the criterion of the use of hate speech came in first place among the other criteria and principles most violated in Syrian journalism. While 55.7% of the participants confirmed that the criterion of accuracy, correctness, and clarity is considered among the criteria that are frequently violated by Syrian media outlets.

40.7% of the participants clarified that the criterion of respecting the dignity of victims is also violated by Syrian media outlets, and 30.7% pointed to that the media outlets do not adhere to the criterion of respecting privacy. While both the criterion of integrity and the criterion of avoiding insult and defamation came in the same rank according to the opinion of the participants in the survey, with regard to the violation of these two criteria by 29.3% by the media outlets active in Syria.

And the percentages of the other professional and ethical criteria were close in the size of violation of the Syrian media outlets of the criteria, as participants point to that the criterion of respecting intellectual property is violated by 27.9% in the media outlets, and that the criterion of protecting sources is violated by 23.6%, and that the criterion of non-discrimination is violated by 17.1% in the media outlets, and also the media outlets do not adhere by 28.6% to the criterion of not encouraging violence or violating the law. Likewise, 21.4% of the journalists voted for the criterion of non-stereotyping in its journalistic content.

In addition, 15.7% of the participants pointed to that the media outlets violate the criterion of avoiding slander and false accusation, and the criterion of not causing harm and avoiding damage. And the criterion of responsibility toward children in the media content that Syrian media outlets produce and broadcast had an important space among journalists, as 25.7% of the journalists participating in the survey voted that this criterion is violated by Syrian media outlets.

And regarding the vision of the participants in the survey concerning the context of regulating journalistic work from the legal side in Syria, 59.3% of the journalists said that there is no single legal reference regulating journalistic work in Syria, while 8.6% of the participants confirmed the existence of a single legal reference, whereas 32.1% of the participating journalists voted that they do not know whether there is a single legal reference regulating journalistic work in Syria. And these percentages have important indications that push us to analysis in two important directions: the first is that more than half of the Syrian journalists participating in the survey had reviewed some of the laws regulating journalistic work in Syria and see them as scattered and unclear to them, and this confirms the necessity of searching for solutions to address this problem among Syrian journalists through focused trainings about the laws regulating their work.

While the indications of more than a quarter of the voting journalists point to not knowing about the existence of laws, and this is a dangerous indicator, as the work of a journalist in an environment cannot be sound without his sufficient awareness of the legality of his work and its framework regulating it in harmony with the legal framework in the state and society which had suffered from wars and conflicts previously, and what it suffers today of the absence of crystallization of journalistic work, and thus what may result from that of violations that journalists may be exposed to in the framework of their work, as

a result of lack of sufficient knowledge of the legal framework regulating their work, and therefore it has become important to search for solutions to this problem.

And the answers of the participants in the survey showed a clear scattering in knowledge of the laws regulating journalistic work in Syria, as a number of them confirmed that there are no laws regulating media work, attributing that to multiple reasons, while a number of them pointed to the existence of different laws in the multiple areas of control, such as the Media Law of the Autonomous Administration in Northeastern Syria, and Media Law No. 108 of 2011, and the laws of publications and penal code and counterterrorism, and other legislations that are often used to restrict freedom of expression. And most opinions agreed that these laws, whether in the era of Assad's regime or in the current reality, were not effective in protecting journalists, but were a tool for censorship and violation, especially under the dominance of the security apparatus.

The responses showed that security practices, illegal directives, and prior censorship are still strongly present, and also journalistic work inside Syria lacks a clear and unified legal reference. And some pointed to the existence of attempts to prepare a new law by the Ministry of Information after the fall of the regime, while others saw that all previous laws served the authority not the profession, and they considered them unsuitable or not practically applied.

Many journalists pointed out that journalism abroad was more committed to professional standards, while others confirmed that the dilemma is not in the absence of laws, but in the implementing authority of them, and in the absence of guarantees of independence and justice in their application.

And the answers of the participants in the survey confirm that there is a general absence of legal awareness related to the profession of journalism, as most of the participants were not precisely aware of the laws that are supposed to

regulate their work, which reflects a defect in the previous legal environment and points to an urgent need to build real legal and professional awareness among journalists in Syria.

And regarding the current laws that regulate media work in Syria, 74.3% of the journalists participating in the survey saw that they are not sufficient and need amendment and development, while 25.7% saw that they need comprehensive change. And 44.3% confirmed that they are politicized and serve the agendas and policies of the authorities, while 25.7% saw that they exist but are not applied, and 11.4% that they do not exist at all, and 18.6% of the journalists participating pointed to that there is a lack of expertise among some of the workers in the media sector.

And 85% of the participants in the survey confirmed that the laws regulating journalistic work and ethical journalism in Syria impose special restrictions with certain agendas that do not correspond with international standards of journalistic work, while 15% said that they do not impose restrictions on journalistic work.

As for the legal restrictions on journalistic work in Syria, the analysis of the survey results showed that the vast majority of participants see that the legal environment in Syria constitutes one of the basic obstacles before free and ethical journalistic practice. And the participants pointed out that the restrictions do not stem only from the legal texts, but also from the mechanisms of their application by the political and security authorities, which often use those laws as tools for censorship, control, and intimidation.

And among the most prominent laws that were classified as restricting journalistic work are: Media Law No. 108 of 2011, the Cybercrime Law, the Counterterrorism Law, the General Penal Code, and the Publications Law and licensing laws.

In addition to that, many participants pointed to the role of the security branches in imposing direct field censorship, which leads to the arrest of journalists or threatening them outside the framework of the law, and to the absence of a law that protects journalists from prosecution in case they uncover corruption issues or violations.

Also, participants from Northeastern Syria pointed to the politicization of journalistic work in favor of the controlling forces such as the Syrian Democratic Forces “SDF,” and the absence of freedom of expression, and the existence of restrictions related to the nature of media coverage. While journalists in the areas that were under the control of Assad’s regime pointed out that the undeclared censorship, and fear of arrest, and lack of transparency, had led to entrenching self-censorship, and undermining the principles of ethical journalism.

And regarding the aspirations of journalists for a modern and independent Media Law, the survey showed wide agreement on a number of basic principles that any new law for journalistic work in Syria must include:

- Freedom of opinion and expression (122 out of 140 participants).
 - Protection of journalists and guaranteeing their legal and professional safety (118 participants).
 - Abolition of the prison sentence in publishing cases (81 participants).
 - Abolition of the strict licensing system and its replacement with transparent and simplified procedures (59 participants).
 - Prevention of prior censorship on media content, and guaranteeing that any professional oversight is carried out through independent bodies or a clear Charter of Honor (54 participants).
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- And a number of participants also confirmed the importance of providing texts that guarantee the right to access information, and clearly entrench

professional and ethical standards, and restrict political and security interferences in media work.

And regarding strengthening the protection of Syrian male and female journalists from violations and harassments, the answers of the participants in the survey showed a clear and comprehensive awareness of the structural challenges facing freedom of the press in Syria, and also reflect a strong desire to build a safe environment that enables the journalist to perform his role without fear or threat. And the responses pointed out that the protection of journalists cannot be achieved by one measure or isolated action, but rather requires multiple and integrated interventions that include the legal, professional, oversight, and political side. And the most prominent proposals that came in the answers can be classified within the following axes: reforming the legal and legislative structure, strengthening the independence of the press and freedom of expression, building institutional mechanisms for the protection of journalists, professional qualification and self-protection, supporting civil society and international cooperation, and activating the principle of accountability and non-impunity.

And regarding the penalties that must be stipulated in the laws regulating journalistic work in Syria, against male/female journalists or media institutions in case of violation of the ethical rules of the profession: 45% of the participants in the survey saw that the penalty against the journalist should be the fine only, and 25% (saw it should be) banning from practicing the profession. And regarding the penalties against violating institutions, 9.3% of the participants pointed out that the law must stipulate the closure of the institution violating the rules of professional and ethical work.

And about the platforms that are considered the most used in violating the principles of ethical journalism and the standards of professional and ethical work in Syria, 107 participants saw that the Facebook platform is the most used

in violating the principles of ethical journalism, to come in the first rank. And in the second rank came the two platforms WhatsApp and Telegram, as 73 participants each separately pointed to them as being used greatly.

And the websites came in the third rank with 60 participants confirming that they are used to violate the principles of ethical journalism, followed by the X platform with 50 participants pointing to that it is used greatly. While the television channels were in the following ranks according to the opinion of the voters with 27 participants, and the radio and printed newspapers according to the opinion of the voters in the survey were the least in violating the standards of ethical journalism and its principles.

And the answers of the participants showed that 72.1% of them participated in activities or advocacy campaigns that support freedom of expression and the right of access to information in Syria, while the remaining voters 27.9% did not participate in this type of campaigns and activities.

And regarding the types of support that strengthen the ability to participate in advocacy campaigns, the answers of the participants reveal a comprehensive conception of advocacy as a complex and multi-level process, requiring a supportive environment that secures for the participants protection, knowledge, resources, and networks. And the achievement of this conception presupposes the availability of political will, institutional readiness, and strategic partnerships, in addition to firm belief from the participants in their causes. And it is clear that each type of the mentioned support does not work in isolation from the other, but integrates with them to create a system of protection and empowerment that strengthens the effectiveness of advocacy and expands its impact.

And the answers to the survey showed a clear diversity in their conception of the types of support necessary to strengthen effective participation in advocacy campaigns, which reflects a deep awareness of the complex nature of these campaigns, which require a mixture of cognitive, skill-based, material, legal, institutional, and political resources and support.

And regarding the importance of freedom of opinion and expression and the right to access information in strengthening social accountability, 90% of the participants confirmed that, while 7.9% pointed to that it may have a role, whereas 2.1% said no, it has no role.

And regarding the requirement of obtaining a license in case of issuing a newspaper or opening a radio or television channel or a website, 49.3% of the participants answered with “No, but a notification must be submitted to the competent authorities,” and 44.3% of the participants with “Yes,” and 6.4% with “No.”

The answers of the participants were distributed on the question: should there be in Syria a Ministry of Information, as 58.6% of the participants confirmed the necessity of the existence of a Ministry of Information, and 35.7% said “No, but there must be a Higher Council that organizes the sector,” while 5.7% pointed to that there is no need for a Ministry of Information or a Higher Council to organize the media, but rather it suffices to organize the work according to the laws in a clear way.

Fourth: Journalists' Recommendations to Strengthen Ethical Journalism and Develop the Legal Framework of Media in Syria

The results of the survey which included 140 male and female journalists from various Syrian geographies showed a diversity in viewpoints, yet there is a general consensus among journalists that journalism in Syria faces a restrictive environment, and that there is an urgent need for comprehensive legal, institutional, and ethical reforms. And the recommendations presented were divided into six main axes:

(1): Reforming the Legal and Regulatory Framework of Media Work

The majority of the answers showed that the current laws regulating media work in Syria are in urgent need of comprehensive review, in a way that guarantees their conformity with international standards for freedom of expression and journalism. And the recommendations in this axis included the following:

- Amending or abolishing the legal texts that include vague expressions and are used to restrict freedom of media, such as “undermining the prestige of the state” or “stirring seditions.”
- Adopting new laws that are clearer and more transparent, that guarantee freedom of expression and protect journalists from censorship and criminalization because of their opinions or reports.
- Abolishing the requirement of prior licensing to establish media institutions, and sufficing with simple notification procedures without arbitrary interference from the authority.
- Enacting clear laws that criminalize hate speech, incitement, and defamation, and that regulate media handling of issues of women and children.
- Involving journalists in discussing and drafting the laws that regulate their work.

(2): Strengthening Education and Training in the Field of Ethical Journalism

Building professional and ethical capacities is considered the cornerstone in strengthening the concept of ethical journalism. And the recommendations in

this side came as follows:

- Organizing continuous workshops and training courses targeting journalists and media cadres, dealing with topics such as: integrity, objectivity, verification of information, protection of sources, and respect for privacy.
- Integrating courses of ethical journalism within the academic curricula in colleges and departments of media.
- Developing and updating the curricula of “professional ethics” to keep pace with the transformations in the new digital media.
- Establishing awareness campaigns targeting young journalists and media activists to strengthen their commitment to the values of ethical journalistic work from the early stages of their career.

(3): Protecting Journalists and Strengthening the Work Environment

The demands were repeated for the necessity of providing real legal and professional protection for journalists, guaranteeing them a safe work environment that allows performing their tasks without fear or interference. And the most prominent recommendations included:

- Enacting laws that protect journalists from arbitrary arrest or prosecution because of their professional activity.
- Establishing independent mechanisms for receiving complaints and addressing the violations that journalists are exposed to.
- Enabling journalists with physical and digital protection tools, especially in conflict environments.
- Providing legal, psychological, and moral support for workers in journalism, especially the freelancers among them.

(4): Establishing Independent Bodies to Regulate and Monitor Media

A wide segment of the participants called for the necessity of the existence of an independent and neutral body concerned with regulating the media sector and monitoring the extent of commitment to professional and ethical standards. The

most prominent recommendations:

- Establishing a national independent body to regulate media, that includes representatives of journalists and civil society, and that enjoys real powers away from political dependency.
- That this body assumes the tasks of monitoring media performance, receiving complaints, issuing periodic reports, and defending freedom of the press.
- That this body be responsible for developing a binding national Charter of Honor for media institutions.

(5): Strengthening the Right to Access Information

A number of journalists confirmed that the weakness of access to information represents a major obstacle before professional journalistic practice, and constitutes a fundamental reason for the spread of false news. The most prominent recommendations included:

- Enacting a law that regulates the right to access information from public authorities.
- Facilitating the procedures of obtaining press permits and information from official institutions.
- Limiting the monopoly of information, and guaranteeing transparency and equal opportunities among the different media institutions.

(6): Supporting Independent Media and Social Responsibility

A large number of participants called for the necessity of enabling independent media to perform its professional role away from political or economic pressures, and they also stressed the importance of strengthening societal awareness of journalism ethics. And within this axis came:

- Supporting independent media institutions through funding, training, and modern technologies.
- Encouraging journalistic work based on serving the public interest, not factional or partisan interests.

- Strengthening public trust in media through entrenching the concepts of accuracy, balance, and verification.
- Spreading societal awareness about journalism ethics and the importance of media as an independent oversight authority.

Fifth: Case Study: The American Experience as a Model

How can Syria benefit from the American experience?

The philosophical basis of media freedom in the United States

Media freedom today is considered one of the prominent features of the American democratic system, and it is the product of a long historical course of struggle and political experience, which began with the American Revolution, and was strongly tested during the Civil War, and after independence.

And to understand American media law and its controls, it is useful to know its philosophy which was formed through the accumulation of these experiences.⁵²

Philosophical and epistemic theories of political thinkers over past centuries contributed to shaping collective convictions, the most important of which is understanding the meaning of the state in the life of society through the theory of the social contract, and individual freedoms.

1. The state and the social contract

The theory of the social contract appeared within the philosophical and political thought of the Enlightenment era, and aims to explain the emergence of the state and the legitimacy of political authority. The theory is based on the premise that individuals, in the state of nature, enjoy complete freedom but lack security and order⁵³, and for this they agree among themselves to establish a political authority through a “social contract” that defines rights.

Through his early philosophy of the concept of the state, John Locke laid the philosophical foundations that paved the way for the idea of freedom of the press in liberal societies, especially through his theories on individual liberty, natural human rights, and limited government.

John Locke considered that the human being is born with natural rights that must not be violated: the right to life, liberty, and property. Within these rights, freedom of expression is understood as part of individual liberty which the ruler

⁵² Thomas I. Emerson, *The System of Freedom of Expression* (Random House 1970).

⁵³ John Locke, *Two Treatises of Government* (1689).

must not encroach upon. He also considered that the function of government is protection, not repression. Accordingly, any repression of opinion or ideas (including the press) is an encroachment upon the very purpose of the government's existence. Locke also justified for citizens the right to resist regimes that violate their rights, and the free press, in this context, is considered an essential means to expose tyranny and corruption and enable individuals to defend their freedoms.

The French philosopher Jean-Jacques Rousseau also contributed indirectly to the establishment of ideas that support freedom of media and expression, through his ideas on democracy, the social contract, and the general will.

In his book *The Social Contract*⁵⁴, Rousseau affirmed the necessity of involving individuals in making political decisions through the free expression of their opinions, considering it a natural right that must not be relinquished.

And Rousseau's concept of the General Will is based on the principle that sovereignty must express the interests of the people, and this is not achieved except through the existence of an open and free dialogue among citizens, which necessitates freedom of expression and the circulation of information. And his ideas on the necessity of public discussion and the effective participation of citizens in political life are considered an important intellectual basis later for freedom of expression and media.

2. The free marketplace of ideas

The concept of the "Marketplace of Ideas," also known as the "market of ideas," is a philosophical concept based on freedom of expression and

⁵⁴ Jean-Jacques Rousseau, *The Social Contract* (1762)

democratic theory. This concept affirms the belief that truth and the better ideas emerge as a result of open and unrestricted debate and dialogue, and not through censorship or control of expression.

This concept first appeared with the English philosopher John Milton (in his book *Areopagitica*, 1644)⁵⁵, in which he considered that ideas must compete freely without governmental or religious interference, and that truth will appear through this open competition, exactly as goods spread and compete in the market before the public, and in the end the best remains among them.

This idea was later developed by the philosopher John Stuart Mill (in his book *On Liberty*, 1859), when he considered that open debate and the exchange of ideas may not necessarily result in the survival of the best idea, but they are necessary for the progress of society and the individual, because suppressing any idea (even if it is wrong) means depriving society of the opportunity to develop awareness and correct ideas.

Accordingly, it must, according to Mill, be allowed for all ideas to compete freely without government interference, because truth arises from the competition of ideas, and open dialogue strengthens critical thinking, innovation, and democratic accountability, and the best way to confront wrong or harmful ideas is through rational discussion and not censorship.

Vincent Blasi pointed in his theory (Checking Value Theory) to that freedom of political expression must enjoy higher legal protection compared to other forms of expression. And he justified that by that political ideas and debates are vital for democracy and help in oversight over authority, and thus they deserve special and strong protection from the judiciary.

⁵⁵ John Milton, *Areopagitica* (1644); John Stuart Mill, *On Liberty* (1859)

In contrast, Blasi sees that the non-political forms of expression, such as commercial, entertainment, or sexual content, may be less important from the democratic and oversight standpoint, and therefore may enjoy relatively less protection. And this idea comes from the premise that the primary objective of the First Amendment to the U.S. Constitution is to protect speech that serves the democratic process and accountability of authorities, and not necessarily to protect all kinds of expression to the same extent.⁵⁶

These theories contributed to a collective awareness about the role of the state and the importance of freedom of the press for building societies, which crystallized through setting legal parameters for drawing American media.

The legal basis of American media

The First Amendment to the Constitution: The First Amendment to the Constitution of the United States is considered the cornerstone in protecting freedom of expression and freedom of the press⁵⁷, and constitutes the legal basis that regulates the relationship between media and the state. This amendment does not only guarantee freedom of the press, but also sets strict limits on government interference in the expression of opinions and the transmission of information.

The First Amendment stipulates clearly that Congress does not have the power to issue laws that limit freedom of expression or freedom of the press. This means that the government cannot impose censorship on newspapers, or prevent publication, or punish media outlets because of what they publish, except in very rare cases determined by the judiciary. The origin in the practice of media

⁵⁶ Vincent Blasi, The Checking Value in First Amendment Theory, 1977 Am. B. Found. Res. J. 521

⁵⁷ U.S. Const. amend. I.

then is freedom, while censorship is an exception and is often after publication and not before it.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances".⁵⁸

Controls of media censorship in the United States

According to the philosophical and legal understanding of media in the United States, media in general enjoys almost absolute freedom, especially regarding the relationship with the government and public figures.

1. Prior restraint on media

The rejection of prior restraint in the United States depends basically on the First Amendment to the U.S. Constitution, which considers prior restraint an unconstitutional practice except in extremely exceptional circumstances. Thus, the American judiciary set strict standards to allow this restraint within very specific cases in which the U.S. government can exercise prior restraint on the media.

A. National security

National security issues are considered among the most prominent exceptions that allow the U.S. government to exercise prior restraint. If the government

⁵⁸ <https://www.archives.gov/founding-docs/amendments-11-27>

proves that publishing certain information will lead to clear, serious, and imminent harm to the security of the state, the courts may allow preventing publication. The most famous example of that is the potential publication of classified information that may expose military forces or security operations to direct danger.⁵⁹

B. Direct incitement to violence

In extremely limited cases, prior restraint can be exercised to prevent the publication of media content that constitutes direct and clear incitement to violence⁶⁰ or chaos, which may immediately lead to acts of violence or disturbances. And this case is based on clear and precise standards on the government to prove in them that this threat is direct and clear.

C. Protecting judicial integrity

Prior restraint may be exercised exceptionally to protect the integrity of trials⁶¹ and the judiciary from the negative effect of excessive or biased media coverage. But this type of restraint is very limited and rare, and courts usually resort to alternative procedures such as change of venue or sequestering the jury instead of imposing prior restraint.

D. Protecting the rights of children and minors

In some cases, the government allows the exercise of prior restraint to prevent the publication of media materials that may cause serious harm to children or minors, such as pornographic materials or content that encourages the exploitation of children.

⁵⁹ Near v. Minnesota, 283 U.S. 697 (1931).

⁶⁰ Brandenburg v. Ohio, 395 U.S. 444 (1969).

⁶¹ Nebraska Press Ass'n v. Stuart, 427 U.S. 539 (1976).

2. Subsequent restraint

Subsequent restraint (or post-publication restraint) are procedures taken after publishing media content, and include legal liability for publication, and generally relate to public and individual rights and not the rights of public figures and the government, such as defamation and libel and violations of copyright or privacy. Unlike prior restraint, which prevents publication in advance, subsequent restraint allows publication first, then legal accountability occurs in case of violations or damages.

Forms of subsequent restraint

1– Defamation and libel cases in U.S. law

Defamation is defined as publicly publishing false information that leads to harming the reputation of the individual or the institution. Defamation is divided into two main types:

- **Libel:** written or printed defamation or electronically published.
- **Slander:** oral or spoken defamation.

American courts set strict controls in defamation cases so they are not used to suppress media freedom in retaliatory cases, and obligate the plaintiff to prove the following legal elements for a defamation claim to be accepted in U.S. courts:

- **False allegation:** the published information must be untrue.
- **Publication:** the false allegation must have been circulated (published). Publication is considered any defamation circulated between a third party other than the defamer and the defamed.
- **Damage:** it must be proven that tangible harm occurred to the plaintiff's reputation or social or professional standing.
- **Intent or negligence:** differs according to the plaintiff's status (public

figure or ordinary person). If the plaintiff is a public figure or a government official, the plaintiff must prove **Actual Malice**, meaning actual intent or actual malice; that is, he must prove that the published information was false, and that the publisher knew that, and that the publisher made no effort to verify the news before publishing it.

➤ And this procedure is considered important to protect freedom of the press, as it allows journalists and media to publish information even if it is sometimes wrong, as long as it is not proven that the publication was done with bad intent or gross negligence. It also sets a high standard on public figures when suing journalists, so that the law is not used as a tool to intimidate or silence the media. And as an example of that, if a newspaper published a report criticizing a politician based on sources and information verified to a reasonable degree, and it later turned out that some information was wrong, the newspaper is not considered guilty of defamation unless the politician proves that it published that intentionally or with gross disregard for the truth.

2– Privacy violations

Privacy in U.S. law is defined as the right of individuals to keep their personal life away from unjustified public intrusion or the publication of personal information without explicit consent. U.S. legislation and the Fourteenth Amendment emphasize the right to privacy as an integral part of basic individual rights.

Types of privacy violations in American media include mainly:

- Publishing private information: publishing highly private personal information such as medical history, financial status, or personal relationships without consent.
- Secret filming or spying: using hidden filming or recording means without

the knowledge of the recorded person.

- Misrepresentation or public false light: publishing content that leads to presenting the individual in a misleading or incorrect image, even if it is not direct defamation.
- Impersonation and false endorsement: using a person's image or name in a way that implies his consent or participation in certain content without his permission.

According to U.S. law, several legal elements must be met to prove a privacy violation:⁶²

- The published content must be very private and not a matter of public debate.
- The publication must be offensive or cause embarrassment or clear harm to the concerned person.
- There must be no clear and explicit consent from the concerned person.
- The absence of a real public interest that justifies publication.

3– Violations of copyright and intellectual property

Copyright is defined as the legal rights granted to creators of original content with the aim of protecting their creations from unauthorized use. These rights include literary, artistic, musical, media, and digital works. This protection aims to enhance creativity and encourage innovation by guaranteeing the creators' material and moral rights.

Main forms of copyright and intellectual property violations in the media field include:

- Unauthorized use of media materials: using articles, videos, photos, or music without obtaining permission or legal license from their owners.

⁶² William L. Prosser, Privacy, 48 Cal. L. Rev. 383 (1960)

- Plagiarism: publishing content without citing its original source and presenting it as original work by another party.
- Trademark infringement: using trademarks in media in a way that leads to misleading the public or harming the brand's reputation.

The Fair Use principle

Fair Use is considered one of the important exceptions in U.S. copyright law, where it allows limited use of copyrighted materials for certain purposes⁶³ such as criticism, commentary, news reporting, education, or research, provided that the use does not clearly harm the interests of the original right holder.

4– Misinformation or false information

Misinformation is defined as incorrect information published without bad intent or intent to mislead. As for disinformation, it is incorrect information published deliberately with the aim of misleading the public or achieving political, social, or economic interests.

5– Incitement to hatred or violence

Hate speech is defined as any speech or media content that promotes hatred or discrimination or hostility toward individuals or groups on the basis of race, religion, sex, nationality, or any other characteristics. As for incitement to violence, it is the speech that urges the public directly and explicitly to commit acts of violence or aggression.

⁶³ 17 U.S.C. § 107 (Fair Use Doctrine)

U.S. courts rely in dealing with cases of incitement to hatred and violence on several legal standards, the most prominent of which are:

- **The Brandenburg Test:** to prove incitement to violence, the speech must be directed to incite direct and immediate commission of acts of violence, with a high likelihood of this violence occurring as a result of that speech.
- **The First Amendment:** protects freedom of expression broadly, which makes restricting hate speech a complex matter and requires very precise standards to avoid harming basic freedoms.

3. Sexual content

Sexual content according to U.S. law includes a wide range of materials that depict or describe sexual activity or include explicit sexual scenes or images. U.S. laws distinguish between legal pornographic content and content considered illegal, such as the exploitation of children in pornography.⁶⁴

Prior restraint versus subsequent restraint

- **Prior restraint:** prior restraint is rarely applied to sexual content in the United States, except in cases related to protecting children and minors from sexual exploitation, in which publication or distribution is prevented before it occurs.
 - **Subsequent restraint:** is considered the most common in dealing with sexual content, as judicial authorities allow legal accountability after publication in cases of violating laws or causing clear social or psychological harms.
- U.S. courts rely in evaluating sexual content on prominent legal standards:

⁶⁴ Child Pornography Prevention Act of 1996, 18 U.S.C. § 2252A.

- **The Miller Test⁶⁵**: used to determine whether content is illegally obscene.

This test requires that the content is clearly prurient, contrary to moral standards in the local community, and lacks serious literary, scientific, or artistic value.

- **Protection of children and minors**: laws protecting children from sexual exploitation (such as the CPPA) are very strict and allow prior restraint in these cases.

4. Freedom of Information Act (FOIA)⁶⁶

The Freedom of Information Act in the United States is considered one of the basic pillars to guarantee governmental transparency and democratic accountability. This law aims to enable citizens, journalists, and researchers to access information and official documents held by federal government agencies, which strengthens public oversight and increases society's trust in institutions.

The FOIA was enacted in 1966 during the term of President Lyndon Johnson, and entered into force in 1967. This law came in response to increasing demands by civil society and the media for the necessity of viewing the work of the government and the details of its policies, especially after a period of excessive secrecy during the Cold War, with the aim of strengthening transparency and accountability in state institutions, enabling citizens to exercise democratic oversight over government work, protecting the constitutional right to access information, and supporting investigative journalism and academic research.

The FOIA includes U.S. federal agencies, including ministries, departments, and public bodies. It allows any person, whether an American citizen or a non-American, to submit a request to obtain governmental records or documents.

⁶⁵ Miller v. California, 413 U.S. 15 (1973).

⁶⁶ Freedom of Information Act, 5 U.S.C. § 552 (1966).

5. Media freedom and the licensing system in the United States

In general, media outlets do not need a specific license in the United States; rather they are subject to the controls of establishing companies. In cases of print and digital media (newspapers, magazines, websites, podcasts), no governmental license or registration is required to practice journalism or establish a media outlet. Any person or institution can establish a legal entity (such as an LLC), and launch a website or issue a newspaper without governmental approval, as well as work as a freelance journalist without needing official accreditation, and media in general is regulated through professional controls, not through official licensing. With regard to broadcast and television media, it is subject to a strict licensing system managed by the Federal Communications Commission (FCC)⁶⁷. The license concerns the use of public airwaves, and does not include oversight over editorial content.

Likewise, the U.S. government does not issue an official press card, and media institutions issue their own cards for their employees.

Some entities (such as the White House or courts) require special accreditation to enter their premises, but it is not required that one be “licensed as a journalist.”

The role of the American judiciary in strengthening media freedom

The American judiciary is considered a prominent example of the role of an independent judiciary in protecting media freedom, as several historic judicial decisions were issued that formed clear landmarks for freedom of expression and the press. The legal text alone is not sufficient, but it is also important to

⁶⁷ Federal Communications Commission, 47 U.S.C. § 151.

have an impartial, fair, and independent judiciary that guarantees this freedom and interprets it based on the intellectual structure supporting media freedom.

In 1960, *The New York Times* published a paid advertisement titled “Heed Their Rising Voices,” in support of the civil rights movement in the American South, and it included criticism of the conduct of some police officials in the city of Montgomery, Alabama, during the protests of Black students. Although the advertisement did not mention Commissioner L. B. Sullivan by name, he considered that the content of the ad offended and defamed him, and filed a defamation lawsuit and demanded damages.

The Alabama court ruled in favor of Sullivan⁶⁸ and imposed damages of \$500,000 against the newspaper, which raised wide concern among newspaper publishers, who saw that such rulings threaten freedom of expression and the press.

In 1964, the U.S. Supreme Court issued a unanimous decision overturning the judgment issued by the Alabama court, and established a new legal principle relating to freedom of expression in defamation cases against public figures, namely **Actual Malice**.

The case *New York Times v. Sullivan* represented a historic turning point in American constitutional jurisprudence, and made the “actual malice” standard a barrier that protects the press from recurring legal threat by officials. This case remains to this day a basic reference in everything related to defamation cases and media freedom in the United States.

⁶⁸ Federal Communications Commission, 47 U.S.C. § 151.

And in 1971, *The New York Times* obtained leaked classified documents known as the “Pentagon Papers,”⁶⁹ which are an internal study prepared by the U.S. Department of Defense relating to the history of the U.S. engagement in the Vietnam War between 1945 and 1967. The documents revealed contradictions between the official statements of the government and the military and political reality of the war, which constituted a national scandal.

The New York Times began publishing a series of articles based on the documents, and *The Washington Post* soon joined it. The federal government filed a lawsuit against the two newspapers before federal court, requesting the issuance of a judicial order preventing publication in advance (prior restraint). This was the first time in U.S. history that the government sought to impose wide-scale prior censorship on the press under the pretext of national security. On June 30, 1971, the U.S. Supreme Court issued a ruling by a majority of 6 against 3, rejecting the government’s request, and affirming that preventing publication constitutes a clear violation of the First Amendment.

The Pentagon Papers case embodied a decisive judicial battle between the federal government and the free press, in which freedom of expression and democratic accountability triumphed. This case established the principle that press freedom cannot be subjected except to the narrowest exceptions, and that transparency remains an essential weapon against political manipulation.

Media freedom in Syria

Freedom of the press in the United States, then, did not come from a void, and is not merely a law, but it is a practice whose reference returns to political

⁶⁹ *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964).

beliefs resulting from the idea of the social contract and the state. It produced laws guaranteeing journalistic practice, and if there had not been an independent judiciary that interprets laws according to philosophical principles, successive governments would have been able to control the media, in the cases that were presented before the Supreme Constitutional Court.

Thus, in order to guarantee a free press in Syria, there must first be a philosophical reference and convictions that establish a modern law that is compatible with international standards, then an independent judiciary that guarantees the interpretation and application of laws in a way that respects those freedoms.

There is a prevailing phrase in American law which is that the law is what the judge says it is, **“The law is what the judge says it is”**

or the law is not what is written in the books, but what the courts say it is — **“The law is not what is written in the books but what the courts say it is.”**

"The law is not what is written in the books but what the courts say it is"

This means that the law is not understood only through its texts, but through how it is interpreted and applied by judges; that is, judicial rulings are what actually determine the content of the law and its limits. Consequently, media freedom is not merely legal provisions, but a judiciary that interprets these provisions in a way that supports freedom of opinion and expression.

Recommendations to develop Syrian media law based on the American experience

The American experience is not a ready-made model to be applied in Syria, but it offers profound lessons on how the philosophy of freedom can turn into legislations and practices that guarantee human dignity, and it is also an experience similar to most experiences in the world that take into account free media. Building a new Syrian media law does not mean copying texts, but inspiring meanings: respecting reason, safeguarding the word, protecting society from tyranny and the information from distortion. These are principles as axiomatic givens agreed upon by all students and workers in the field of media regarding the concept of journalism and its role in society. In this context, media freedom remains not merely a legal clause, but the essence of a national project to build the Syria of the future as a constitutional, pluralistic state that protects freedom of opinion not because it possesses power, but because it believes that it is not complete except by it.

Sixth: Results and Recommendations

The laws and texts related to media and publishing applied in Syria under the Assad regime reveal a punitive legislative tendency that restricts freedom of expression and the practice of media work, and is dominated by the logic of strict protection of state institutions and their symbols at the expense of basic freedoms.

This legal structure, despite what it contains of texts that seem advanced, entrenches an authoritarian reality that restricts media work and surrounds it with legal and quasi-legal constraints, especially when coupled with great security influence and the absence of institutional accountability. From this standpoint, one aspect of reform in the new Syria must pass through a radical review of the laws that affect media work and the texts in other laws, by radical redrafting in a way that is compatible with international standards and guarantees the media worker the practice of his work freely and responsibly, without guardianship or censorship or threat, provided that the existing model is replaced by a regulatory body that is actually independent, not subject to the executive authority, and whose administration is elected from within the media milieu, in guarantee of the principle of self-regulation and professional independence.

Comparative experiences showed that media cannot perform its role as an overseer of authority and a guarantor of democracy unless it is immunized from censorship and enjoys a legal environment that protects freedom of expression and sets precise limits for any restrictions imposed on it. These principles are in harmony with what is stated in Article 19 of the Universal Declaration of Human Rights.⁷⁰

Likewise, the International Covenant on Civil and Political Rights, in its Article 19, affirms that freedom of expression includes the freedom to seek, receive, and impart information and ideas, and it may not be restricted except by law and

⁷⁰ United Nations. (1948). Universal Declaration of Human Rights. Article 19 <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

for legitimate reasons such as protecting national security or public order or the rights of others.⁷¹

In the same context, UNESCO recommends in its guide on media legislation in stages of democratic transition that media laws be built on the principles of independence, transparency, and accountability; that interference by authorities in editorial content be prevented; and that prior censorship be replaced by independent and fair post-publication accountability mechanisms.⁷²

On this basis, the research presents a conception for a developed media law in Syria, which entrenches the philosophy of the free marketplace of ideas, and grants the judiciary alone the power to restrict publication within legitimate and specific standards. It also strengthens the independence of media from the executive authority, and provides mechanisms to protect privacy, combat disinformation, and protect the rights of children, reaching the strengthening of transparency in the work of media institutions.

Accordingly, the overall results aim to establish a modern Syrian media law that keeps pace with development and openness in the media sector, and is based on the philosophy of freedom and respect for plurality, and guarantees the independence of media as an integral part of the new Syria desired by all Syrians, including journalists.

⁷¹ United Nations. (1966). International Covenant on Civil and Political Rights. Article 19

⁷² UNESCO. (2011). Model Curricula for Journalism Education: A Compendium of New Syllabi ⁷²

First: The philosophical foundation of the Media Law

1. Adopting the philosophy of freedom and the free marketplace of ideas: entrenching the principle of freedom as a revolutionary demand and the open competition of ideas in Syrian law, with a clear and explicit rejection of prior restraint, and making the judiciary the only entity that restricts media according to clear and specific standards.
2. Protecting freedom of expression as part of the social contract: including in the Syrian Constitution clear texts that define freedom of expression and freedom of the press as basic natural rights that must not be violated except within very narrow limits defined clearly by law, as the Syrian president in the transitional phase, Ahmad Al-Sharaa, mentioned the term social contract on more than one occasion.

Second: Constitutional and legal principles

1. A clear prohibition of prior restraint in the Constitution and the law: expressly stipulating that prior censorship of publication is an unconstitutional measure, except in very exceptional cases directly related to national security or the protection of children and minors from exploitation, for example.
2. Application of exceptions to prior restraint: adopting strict judicial standards, such that the Syrian government bears the burden of proving clear, serious, and imminent harm in national security cases only.
3. Clear determination of exceptions to freedom of expression: including in the law clear and limited texts for cases of direct incitement to violence.

Third: Subsequent restraint and legal accountability mechanisms

1. Strengthening subsequent restraint instead of prior restraint: adopting the principle of legal accountability after publication, with providing strict guarantees to protect journalists from arbitrary or retaliatory lawsuits.
2. A developed law for defamation cases: setting strict legal standards for defamation cases, requiring proof of:
 - The falsity of the published allegation.
 - The occurrence of real and tangible damage.
 - Proof of actual malice or gross negligence (Actual Malice), especially when the plaintiff is a public figure.
3. Guaranteeing the protection of journalists when in good faith: not punishing journalists or media institutions for mistakes that occur without bad faith or gross negligence, in order to protect media from using the judiciary as a tool for repression.

Fourth: A clear law to protect privacy

1. Defining clear legal standards to protect privacy: providing precise standards for publishing personal information, requiring the explicit consent of individuals, and requiring the presence of a real public interest when publishing personal information.
2. A clear prohibition of spying and secret filming: criminalizing secret filming or recording without the person's consent, except in very exceptional cases that clearly serve the public interest, and after obtaining prior judicial authorization.

Fifth: Strengthening copyright and intellectual property with the Fair Use principle

1. Clarifying the Fair Use principle: including in Syrian law fair use exceptions that allow journalists and media professionals to use materials for news, educational, and critical purposes without prior consent, as long as they do not cause serious economic harm to the right holder.
2. Clear criminalization of plagiarism and trademark infringement: imposing clear penalties for unauthorized use, with a balance between protecting creators and the freedom of media to use materials for the public interest.

Sixth: Mechanisms to combat disinformation and false information

1. Distinguishing between misinformation and disinformation:
 - Adopting a clear policy that distinguishes between mistakes published in good faith and deliberate disinformation, such that media outlets are not punished except when explicit intent to mislead the public is proven.
 - Tightening, in contrast, on misleading news that incites violence and undermines civil peace with clear laws in which the mechanism and procedures of accountability are defined.
2. Activating fact-checking mechanisms: supporting the establishment of independent entities for fact-checking, with the possibility of cooperation with civil society organizations to raise public awareness of the risks of false and misleading information.
3. Strict protection for children and minors: strictness in preventing sexual content related to the exploitation of children, with providing means for effective and swift judicial oversight to prevent this type of content.

Seventh: Adopting a Syrian Freedom of Information Law

1. Enacting a law on freedom of access to information: adopting a law that allows journalists and citizens to access governmental documents, with limited exceptions related only to national security or clear personal privacy.
2. Guaranteeing the transparency of governmental institutions' work: obligating governmental institutions to publish their information periodically, to guarantee transparency and legal accountability.

Eighth: Not requiring a governmental license to practice journalism

1. Abolishing official licensing for print and electronic media: allowing the establishment of newspapers and websites and independent media without the need for a governmental license or registration, and sufficing with registering them as commercial companies according to civil law.
2. Issuing press cards by media institutions and not by the government: adopting internal press cards from the media institutions themselves, without governmental intervention or official accreditation, to guarantee the independence of journalists.

Ninth: Establishing a mechanism to implement media freedom

Any new media law in Syria, no matter how good its drafting is, remains without effect if it is not accompanied by independent implementation mechanisms and oversight institutions that guarantee proper application and accountability. Accordingly, we propose the following mechanisms:

1. Establishing an independent Media Council

- **Function:** organize the work of media outlets, monitor professional performance, receive citizens' complaints, without subordination to the executive authority.
- **Composition:** a mixture of judges, independent journalists, and civil society, elected by independent union bodies.
- **Comparative model:** inspired by the “media regulatory authority” in some democratic countries that plays an oversight and awareness role without intervening in editorial content.

2. Developing units to protect privacy and intellectual property

- Specialized legal units must be established to protect citizens' personal data from leakage or media exploitation, and the rights of creators and media institutions in the context of digital competition.

3. Establishing independent and swift complaint mechanisms

- **Objective:** enabling citizens to submit complaints against media violations (defamation, privacy violations, hate speech...) without the need to enter into a long and costly legal struggle.
- **Mechanism:** a national electronic platform that enables reporting and refers cases to specialized settlement committees or to the judiciary when necessary.

4. Activating fact-checking mechanisms

- Supporting the establishment of independent platforms to verify published information, especially in times of conflict, elections, or public crises.
- Granting these platforms participatory powers with media, not oversight over it, to guarantee a healthy knowledge environment

5. Laws to protect minors and society from media harm

- Establishing a public prosecution specialized in media crimes against children and society.

– Including media literacy curricula in schools to strengthen the culture of critical consumption of information.

6. Transparency as an internal oversight element

– Imposing a legal obligation on media outlets to publish annual reports on: their funding sources, editorial policy, and the number and type of complaints they received.

7. A modern law specific to organizing press unions, based on international standards and guaranteeing the full independence of those unions in their structure and function, away from any subordination or guardianship by official or partisan entities.

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