



Contribution to the Universal Periodic Review Mechanism
12th Session of the Working Group of the Universal Periodic Review (UPR)

A Joint UPR Submission on Syria by PEN International, the International Publishers Association (IPA) and Index on Censorship

9 March 2011

General comment

PEN International, on behalf of the submitters, welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to comment on the human rights situation in Syria, about which it has had serious concerns for a number of years. This document provides an overview of the current situation of writers, journalists, and bloggers, and focuses on long term imprisonment and legislation used to suppress freedom of expression and other basic rights. Despite some recent symbolic and isolated gestures on the part of the authorities, Syria fails to abide by the pledges it made to the international community in the International Covenant on Civil and Political Rights (ICCPR), to which it is a state party. The authorities still make widespread use of a number of repressive provisions that can be used to silence critical, oppositional or alternative voices in the printed media and the Internet, and to suppress peaceful debate and political opposition.

Overview of the situation for freedom of expression

PEN International, IPA and Index on Censorship, have long been concerned about the situation for writers and journalists in Syria. Although the country's constitution provides for freedom of speech and the press, the government is generally intolerant of criticism, and freedom of expression, assembly and association is strictly limited by a number of repressive laws. These include the Emergency Law, which has been in place since December 1963, with military courts applying martial law and special exceptional courts trying political cases with little regard for human rights or due process. The 2001 Press Law provides widespread controls over all forms of printed media in the country, and mandates imprisonment for writing on topics considered to be against 'national security' or 'national unity'. It also criminalises the publication of 'falsehoods'.

Many human rights organisations are consistently denied registration by the Syrian authorities and their activities deemed illegal.

Non-violent critics of government policies and human rights defenders are under constant threat of harassment and imprisonment, and the number of political prisoners is estimated at over 4,000. Access to prisoners is limited and the use of torture and ill-treatment during interrogations has been widely reported by former detainees. Political prisoners are commonly tried by State Security Courts (SSC), which do not comply with international standards of fairness. They are held in appalling conditions.

Under Hafiz al-Asad, president of Syria from 1970 until his death in 2000, political activity had been strictly controlled, and any effective opposition or freedom of expression had been almost impossible. Five principal security agencies served primarily to monitor political dissent, and a state of emergency was and remains in force. There remained, nonetheless, a considerable appetite for political debate in the country, as well as a good deal of dissatisfaction with the government and the system. From 1998 on, the level of repression diminished noticeably, and when in June 2000 Hafiz al-Asad died and his son Bashar was installed as president, a number of Syrian intellectuals attempted to engage in political discussion. This period of greater openness is known as 'The Damascus Spring'.

Since President Assad came to power in 2000, at least forty writers, journalists, poets and bloggers have been imprisoned for the peaceful expression of their views either by publishing articles or participating in online discussion forums. Many have been subjected to interrogation and harassment, or banned from leaving the country. Journalists are obliged to obtain a license from the Ministry of Information. The media is tightly controlled by the state so it is very difficult for journalists and writers to express views which are not in line with the government.

Many human rights organisations are consistently denied registration by the Syrian authorities and their activities therefore deemed illegal. In 2009, the Syrian Centre for Media and Freedom of Expression, which monitored the situation of freedom of expression in Syria, was closed down and its founder was arrested after the centre reported that freedom of speech in Syria was declining.

Since 2007 the number of websites to which access has been blocked in Syria has more than doubled, reaching over two hundred and forty by the beginning of 2011 (including the video-sharing site YouTube, the blog platform Blogspot and the email service Hotmail). The blockade on Facebook and Twitter was lifted in February 2011, apparently as a symbolic gesture following widespread demands throughout the region for political reform and democracy.

Although the number of news media outlets, specifically radio stations, has increased in the past decade there is no room for media diversity. The Ba'ath Party continues to maintain complete control of the press either by direct ownership or by appointing editors who are connected to the Ba'ath party.

The situation has sharply deteriorated since the momentous political developments in the region in early 2011. At least five bloggers have been detained since January 2011 for publishing commentaries about the events in Tunisia and Egypt.

Legislation used to suppress freedom of expression

The Syrian Constitution (12/03/1973) in its Article 32 guarantees “the right to freely and openly express views in words, in writing, and through all other means of expression,” while also guaranteeing “the freedom of the press, of printing, and publication in accordance with the law.” However, the Syrian authorities rely on numerous repressive laws and legal measures to suppress the right to access and disseminate information freely.

1) Emergency Laws

Emergency Laws have been in force in Syria since 1963. Article 4.b of the 1963 Emergency Law authorizes the government to monitor all publications and communications. The article also allows the government to arrest those who commit “crimes which constitute an overall hazard” or other vaguely defined offenses which can be used to silence dissenting voices. Other laws specifically used to criminalise dissent include Articles 285, 286, and 287 of the Syrian Criminal Code, under which dissident writers and journalists typically face charges of ‘distributing false news’, ‘weakening national sentiment’ and ‘changing the constitution by force.’

2) The Print Law

The Print and Media law issued on 21 September 2001 contains restrictions against freedom of expression. Articles 50 and 51 of this Law provide up to three years in prison for “spreading false news” or ‘disturbing the state relationships with other states’, or ‘defaming the state’. Article 29 lists many subjects which are banned from publication, notably calls for political change, and discussion of religious and ethnic minority issues. Article 44d prohibits print media from handling political subjects. Article 56b and 56d state that the license of any newspaper may be withdrawn and the editor liable to be arrested if the newspaper is perceived to call for “changing the constitution”. The Syrian government frequently uses this article to persecute writers who call for democratic reform in Syria.

3) The Press Law: The 2001 Press Law provides widespread controls over all forms of printed media in the country, and mandates imprisonment for writing on topics considered to be against ‘national security’ or ‘national unity’. It also

criminalises the publication of ‘falsehoods’. In 2005 the Information Ministry extended the Press Law to regulate material published on the Internet. In 2009, the authorities gave extra power to the Minister of Information to further control internet communications. Article 2 of the revised Press Law states that bloggers or online journalists need to obtain a licence in order start a website. Article 10 states “every foreign publication must obtain the Syrian Information Ministry’s approval in order to be disseminated in the market”.

At least 10 bloggers and online journalists were arrested in 2010 for publishing online articles. At least four are still behind bars, including Tal Al-Malhouhi, who was sentenced to five years in prison in February 2011. They were all arrested under Emergency legislation which had been amended to cover online communications.

4) The Internet Law

In February 2011, an Internet and Communications Law was ratified by the President. The Law places online media under the direct control of the Ministry of Information, and includes forty-one Articles, seventeen of which relate to the punishment of bloggers and internet users. The Law also lists subjects which should not be published on the Internet, notably those relating to politics, religion and ethnic minority rights. Punishments range from the blocking of websites, a fine of 2 million Syrian Lira (\$42,000), to prison terms of up to three years. The Minister of Information has the power to block any website. The new Law also gives widespread powers to the police to investigate and arrest online journalists suspected of “breaking the law”.

Censorship and Self -Censorship

In spite of a Presidential Act 31 of 1971 providing for censorship on books and publications, there is no clear criteria for regulating censorship in Syria and the security forces impose their own criteria. There is a department within the Ministry of Information called the Censorship Unit. The Censorship Unit might allow a book to be published in one year, only to ban the same book the following year. The Unit also regularly asks authors to delete specific chapters from their book in order to obtain permission to publish.

As a result there is a substantial fear of persecution which constrains writers and journalists to self-censorship. This impacts negatively on the profession and also on communications within the society, and does not contribute to the promotion of democracy and human rights.

“Envelope Journalism”

Journalism and the media in Syria are highly controlled and influenced by the state, and journalists are either appointed by the Ba’ath Party or the security forces. Journalists are forced to report in line with government policy rather than on issues of public interest. There are no private or independent newspapers except a few which are owned by the regime’s supporters. In general, they are

barred from carrying political content. Some journalists obtain a green light to practice some light criticism of specific figures in the government or the ruling party but not the President. State papers and broadcasters remain unflinchingly supportive of the regime.

This causes damage to the profession. Journalists are regularly threatened with sacking or arrest if they report on a subject which does not have the approval of the security forces. The practices of 'envelope journalism' and self-censorship are therefore high. According to a Syrian journalist who lives in exile, "For a journalist who wants to remain free in Syria, the only real choice is to be prepared to be arrested at any time,"

Final comment and Recommendations to the Syrian authorities

PEN International, IPA and Index on Censorship consider that Syria falls far short of its commitments under Article 19 of the International Convention on Civil and Political Rights and its own constitution to protect the right to freedom of expression and other basic human rights. It also considers that many of its laws in practice directly violate the fundamental human rights to which Syria has committed to protect. We call upon the Syrian authorities to:

- Release, immediately and unconditionally, all those held for the peaceful exercise of their right to freedom of expression and opinion;
- Stop the persistent harassment of writers, bloggers and anyone who calls for freedom of expression and human rights in Syria;
- Amend all laws which restrict freedom of expression and are used to persecute writers and journalists;
- Abolish practices that allow for censorship and restrictions on freedom of expression and opinion, freedom of the press, freedom to create and to publish, the right to be informed by all means including the Internet.