WRITTEN STATEMENT
UPR Info Pre-Session on Syrian Arab Republic
Delivered by: Marwa Fatafta, MENA Policy Manager, Access Now (*via video*)

Distinguished delegates, Your excellencies, and colleagues from civil society organisations,

Access Now is grateful to contribute to the UPR Info Pre-Session on Syria. The UPR is an important UN process aimed at addressing human rights issues worldwide. It is a rare mechanism through which citizens around the world get to work with governments to improve human rights and hold them accountable to international law.

Access Now is an international organization dedicated to defending and extending the digital rights of users at risk worldwide. We are an ECOSOC accredited organization.

For the third UPR review of Syria, we would like to address four issues: (1) freedom of expression, (2) protection of journalists and human rights defenders, (3) the right to privacy, and (4) internet shutdowns.

1. **Freedom of expression:**

Since the beginning of the armed conflict in Syria, digital space and communication tools have become instrumental for political organising, journalism, access to information, and protest mobilisation. As a result, they have become primary targets for state censorship and control.

The Government of Syria has blocked websites of local and international media websites, human rights organisations, opposition, as well as any sites that are critical of the government, its officials, and policies.

In March 2018, the Syrian Council of Ministers passed Anti-Cybercrime Law 9/2018, creating specialised courts, public prosecution, and investigation units to handle cybercrime-related cases in every governorate. The bill, which is an amendment to the Cybercrime Law of 2012, affords the Syrian government the discretion to restrict the rights to freedom of expression and opinion and access to information online. A number of Syrian journalists and internet users have been prosecuted and detained under the new law for exercising their right to freedom of expression.

Since the COVID-19 pandemic, Syrian authorities have imposed stricter control over how and what information is being disseminated, including information on the spread of COVID-19.

As Syria continues to tightly control and monitor the internet and the online activity of its population, we urge that freedom of expression is made a prominent issue in the upcoming UPR. We specifically recommend the Government of Syria to:

1. Repeal or amend the cybercrime law in adherence to Syria's commitments to the ICCPR and ICESCR.

2. Commit to ending violations of freedom of expression online, including filtering content, blocking websites, and restricting access to information.

2. Safety of journalists and human rights defenders:

During Syria's second UPR in 2016, 20 recommendations were made on the issue of enforced disappearance and arbitrary detention. Syria accepted 9 recommendations on the issue. However, none of these recommendations were implemented to date.

While Syria accepted the recommendation made by Spain to "stop arbitrary detention and release all those unfairly or indiscriminately arrested" and the recommendation by Luxembourg to "put an end to enforced disappearance in all places of deprivation of liberty, as well as extrajudicial executions," Syria continues to detain and forcibly disappear more than 150,000 Syrians for exercising their right to freedom of expression, association, and assembly.

To date, Syria remains "one of the most dangerous places to use the internet in the world."[1] Journalists, human rights defenders, bloggers, and political dissidents are systematically detained and often tortured while in detention.

We urge the Government of Syria to:

1. Immediately halt the systemic practice of enforced disappearance, arbitrary arrest and detention, and the use of torture against journalists and human rights defenders, and release all individuals deprived of their liberty for peacefully exercising their rights to freedom of expression, association, and assembly, online and offline.

2. Issue a standing invitation to all thematic special procedures and cooperate fully with the United Nations human rights mechanisms, including allowing access to the Commission of Inquiry to its territory.

3. Ratify the Optional Protocols to the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention against Torture. Ratify and accede to the International Convention for the Protection of All Persons from Enforced Disappearance

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[1] Freedom House, *Freedom on the Net 2018 - Syria*, available online via Refworld: https://www.refworld.org/docid/5be16af6116.html 1 https://www.refworld.org/docid/5be16af6116.html, November 2018.

3. The right to privacy:

While Syria did not receive any recommendations regarding the right to privacy in its previous reviews, the right to privacy should feature as a prominent issue for Syria's third review. By undertaking, surveillance, "phishing" operations, social engineering, malware downloads, and gaining access to passwords and networks through security force intimidation, the Syrian government have monitored and tracked down activists and human rights defenders in Syria, facilitating the broader campaign of control and violence leading to arrests, torture, forced disappearances, and death of Syrian people.

In 2020, the Syria Justice and Accountability Centre (SJAC) confirmed reports that the Syrian government, through its intelligence agencies, is also surveilling Syrian dissidents who left the country.

In spring of 2020 — at the height of the COVID-19 pandemic — a government-backed hacking campaign began distributing coronavirus-themed smartphone applications that turned out to be spyware. Some applications were disguised to track people's body temperatures, but in reality were running malware that can track people's geolocation, launch other applications, record audio, access contacts, initiate calls and send text messages.

In this light, we recommend the Government of Syria to:

1. Cease all surveillance operations and persecution of Syrian citizens inside and outside of the country and uphold the right to privacy as enshrined in the Syrian Constitution and Article 17 of ICCPR.

2. Sever any ties, financial and otherwise, with hacking and surveillance tech companies, and stop the purchase, use, and dissemination of spyware and malware to target and monitor civilians.

4. Internet shutdowns

Syria's telecommunication infrastructure is one of the most underdeveloped in the region. While the rate of internet penetration remains relatively high, as of 2020 approximately one third of the country is disconnected from Syrian-operated Internet Service Provider (ISP) networks.

We note the alarming trend of the Syrian government to shut down the internet amid protests and national exams. Through the Shutdown Tracker Optimization Project (STOP), Access Now and #KeepItOn coalition documented at least 12 shutdowns in the period from 2016 to 2021. Already in

2021, the Syrian government cut the entire nation off the internet between May 31 and June 22 for at least four and a half hours each day as students took their high school exams.

With major power outages and an ongoing domestic gas crisis, the limitation on access to the internet impedes on people's ability to stay connected online. The ongoing conflict in Syria and the COVID-19 pandemic are only exacerbating the challenge to stay connected, especially when healthcare information and services are online. Services like Zoom which have become essential during the COVID-19 pandemic, are not available to Syrians, isolating them from the outside world.

Several U.N. bodies and independent experts have condemned internet shutdowns as a violation of international human rights law. It is imperative that everyone, especially those in at-risk or under-served communities, have access to an open, secure, affordable, high-quality internet connection. Moreover, those without a connection are cut off from exercising a broad range of human rights, including the rights to freedom of expression and opinion, and access to information. We, therefore, recommend Syria to:

1. Refrain from shutting down the internet and mobile communications services, particularly during protests and national exams, as well as blocking access to vital online services and platforms.

These conclude our recommendations for Syria's third UPR review. We remain available to address your questions. Thank you for your attention.

Access Now (https://www.accessnow.org) defends and extends the digital rights of users at risk around the world. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots grantmaking, and convenings such as RightsCon, we fight for human rights in the digital age.

For More Information, please contact:
Marwa Fatafta | MENA Policy Manager | marwa@accessnow.org and cc' un@accessnow.org |