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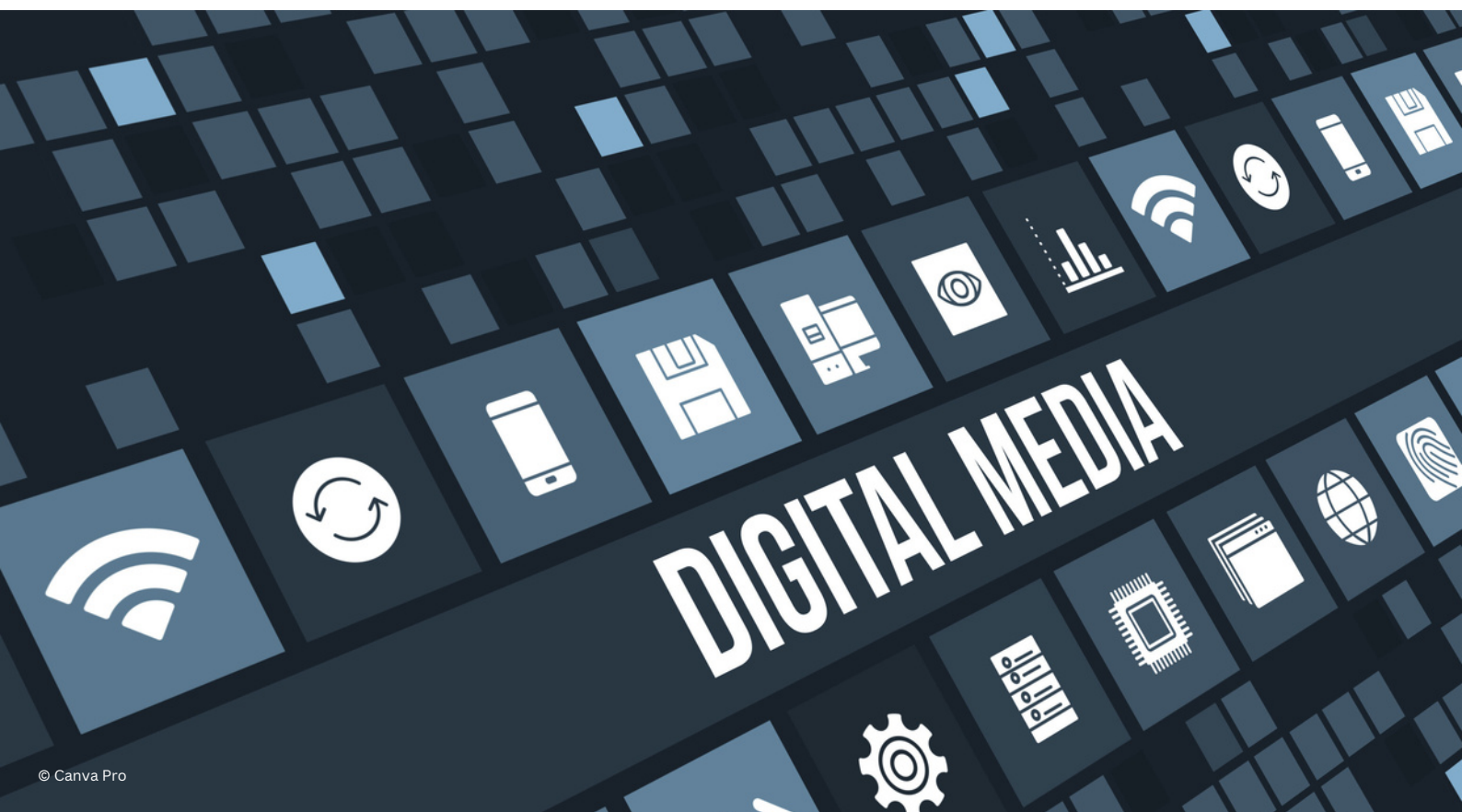


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Study

How to Modernize Lebanese Media Laws to Cope with Digital Changes?

Dr. Ali Rammal



This publication is within the project entitled "Media Reform to Enhance Freedom of Expression in Lebanon", implemented by Maharat Foundation, Legal Agenda and the European Media and Journalism Research Center (MJRC) with the support of the Delegation of the European Union to Lebanon. The project aims at enhancing Freedom of Expression in Lebanon through the promotion of media law reform as a priority on the national agenda and improvement of the environment for media coverage on the transparency and accountability of elections process.

The project supports the publication of background papers produced by Maharat Foundation on the local Lebanese context and by MJRC on the European standards and best fit recommendations for Lebanon. The papers cover 6 main themes: Protection of journalists and their sources, Associations of journalists, Decriminalization, Incentives, Innovation, and Regulation, co-regulation and self-regulation opportunities for the media.



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This study was prepared within the project to reform media and promote freedom of expression in Lebanon:

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Media and Journalism Research Center (MJRC) MJRC:

[MJRC](#) is an independent media research and policy think tank that seeks to improve the quality of media policymaking and the state of independent media and journalism through research, knowledge sharing and financial support. The center's main areas of research are regulation and policy, media ownership and funding, and the links between tech companies, politics and journalism.

Maharat Foundation:

[Maharat Foundation](#) is a women-led freedom of expression organization based in Beirut dedicated to campaigns grounded in research and strengthening connections between journalists, academics, and policy makers.

It advances and enables freedom of expression, quality information debate and advocates for information integrity online and offline. Maharat promotes innovation and engages the journalistic community and change agents within Lebanon and the wider, MENA region to promote inclusive narratives and debates and to counter misinformation, disinformation, and harmful content.

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1 .EXECUTIVE SUMMARY

Rapid technical developments have eroded the validity of the laws regulating media institutions in all their forms, in terms of their ability to protect the right to privacy and personal data, intellectual property and electronic copyright, and to organize and manage digital content.

This study sought to examine the reality of Lebanese laws related to these themes and analyze the legal texts, the draft laws and international agreements which Lebanon has joined, to determine how much they have adapted to digital changes.

The study showed that Lebanon was the first in its Arab environment in enacting media laws: from the Publications Law in 1962 to the Audiovisual Law and the laws protecting intellectual property, electronic transactions, data of a personal nature, and the right to access information, in addition to its accession to most international agreements and treaties.

As for the adaptability of the applicable Lebanese laws, the study has shown limitations in protecting privacy and data of a personal nature, due to approaching data from an economic perspective and continuing to allow public bodies to access personal data, in addition to the complexity of striking the needed balance between security and privacy and the AI induced hacking attacks to obtain access to private photos.

As for the protection of intellectual property, the applicable Lebanese laws, and the international treaties which Lebanon has joined have formed a solid legal basis for protection, but they are confronted with technological challenges that disrupt the effects of protection, in addition to the lack of effective mechanisms to combat forged and counterfeit goods.

1 .EXECUTIVE SUMMARY

As for digital content, so far there is no special law in this regard except for a draft law that has been sitting in the parliament since 2011 without approval, in addition to Lebanon's participation in the United Arab strategy for dealing with international media companies, which is regarded as a guiding law for dealing with digital content. It is a non-binding law.

In conclusion, all relevant Lebanese laws need many amendments in order to comply with the General Data Protection Regulation in accordance with European standards, in addition to the necessity of enacting a designated law for digital media and digital content management, approving implementing decrees to fill the gaps in the other laws, establishing a national authority, separate from the Lebanese authority, and strengthening digital media education and network awareness programs in educational institutions.

2 .INTRODUCTION

Entering the age of digital technology has created new legal needs that did not exist before. This is because websites and platforms, of all kinds and names, have become part of the public domain, and accordingly the Freedom of expression and freedom of publication in all their forms have become accessible to everyone without any legal or technical barrier.

As of the end of last year, the number of Internet users in Lebanon reached 6.1 million people out of 6.73 million residents, or 89%, of whom 5.06 million use social networking sites daily.¹

This acceleration in the use of new communication technologies and the rush towards websites and social networking sites as platforms for absolute freedom of expression emanates from the belief among most users, who do not know the legal obligations, that this space is open or chaotic and not governed by law.

However, the reality is that the laws regulating cybercrimes and traditional media laws, in addition to the Penal Code, govern how this space operates.

Whereas access to the Internet is closely linked to digital rights, such as the right to an opinion and to free expression, privacy, information protection, prevention of online harassment and discrimination, misuse, digital copyright, and intellectual property, combating false and fake news, and racist content calling for hatred and violence... etc.

All these rights were subject to more violations than some might imagine, and this is due to deficiencies in the applicable laws or the absence of some laws regulating and keeping pace with the rapid digital transformations and the extent to which they are protected.

We will present the shortcomings and defects associated with the application of these laws, then propose some recommendations for developing or amending these laws, enacting other laws, or establishing relevant bodies and approving programs outside the legal context.

1- The annual report on the use of the Internet and social media in Lebanon 2022-DATA Reportal

3 .LEBANESE LAWS REGULATING ELECTRONIC MEDIA AND USERS' RIGHTS

The legal foundations for protecting intellectual property, electronic copyright, privacy, personal data, and digital content are based on a set of Lebanese legislation, represented by the following:

- Lebanese Penal Code (Legislative Decree No. 340 dated 3/1/1943).
- The Lebanese Publications Law issued on 9/14/1962.
- Audiovisual Media Law No. 382 issued on 11/14/1994.

Law **Preserving the right to confidentiality of intelligence conducted by any means of communication** No. 140 dated 10/27/1999.

- Literary and Artistic Property Protection Law No. 75 dated 4/3/1999.
- Electronic Transactions and Personal Data Law No. 81 dated 1/10/2018.

Law on the right to access to information **No. 28 issued on 2/10/2017** and amended by Law No. 233/2021.

In addition to these laws, the Bureau for Combating Cybercrime and Protecting Intellectual Property was established in the General Directorate of the Internal Security Forces in 2006. This Bureau is concerned with combating the theft of information, hacking electronic devices, protecting intellectual, literary, and artistic production, Internet crimes, incitement, piracy, and file theft...

In addition, there are several legal proposals to regulate the media landscape in Lebanon currently in parliamentary committees, the most important of which are:

- The Maharat-Mokheiber proposal submitted in 2010.
- (The draft law regulating electronic news websites, which regulates the four media categories: newspapers and print publications, television, radio, and news websites, according to MP Hussein Al-Haj Hassan, former head of the Information and Communications Committee)

3 .LEBANESE LAWS REGULATING ELECTRONIC MEDIA AND USERS' RIGHTS

- Two proposals to amend media laws were submitted by the Ministry of Information to the Information and Communications Committee and the Administration and Justice Committee. The first paper was presented by former Information Minister Manal Abdel Samad in mid-2020 after consultations she conducted with concerned and specialized bodies, and the second paper was submitted by Information Minister Makari in cooperation with UNESCO.

In the introduction to the Constitution, Lebanon acknowledges its commitment to the charters of the United Nations and the Universal Declaration of Human Rights. It has also signed the International Covenant on Civil and Political Rights, which guarantees freedom of opinion and expression and the freedom to seek, impart or receive information ...of all kinds (Article 19). It also guarantees that “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.

Everyone has the right to the protection of the law against such interference or attacks.” (Art. 17).

Lebanon also signed the **Bern** agreement of 1971 which protects copyright and the **WIPO Copyright Treaty**, which deals with the protection of works and the rights of their authors in the **Digital environment**. Lebanon is also expected to join the Budapest Convention on Cybercrime of 2001

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

We will present these laws under three pillars:

- 3.1- Protecting the right to information privacy and protecting private data
- 3.2- Electronic copyright and intellectual property protection
- 3.3- Regulating digital content

3.1- Protecting the right to information privacy and protecting private data.

Lebanon affirmed its commitment to these rights, which in the Lebanese reality are based on a pluralism of laws and legislative foundations, as shown in the following table:

Legal organization	Protectionist text (regardless of how consistent it is with international standards)
UDHR Art. 25	Inadmissibility of arbitrary interference in a person's privacy, family, home, or correspondence, nor to attacks upon his honor and reputation (Article 12)
International Covenant on Civil and Political Rights	Article no. (17):1- No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home, or correspondence, nor to unlawful attacks on his honor and reputation.2-Everyone has the right to the protection of the law against such interference or attacks.
The Lebanese Constitution	Personal freedom is protected by law. Article No. (8)
Penal Code	Punishment for divulging state secrets and espionage (Articles 281-284). - Punishment for divulging secrets and accessing correspondence, telegrams, and telephone communications (Articles 579-581)- Punishment of fraud and fraudulent maneuvers, Articles 655 - 657

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

Legal organization	Protectionist text (regardless of how consistent it is with international standards)
Wiretapping Law (140) 10/27/1999	Preserving the right to confidentiality of intelligence conducted by any means of communication Article 1
Electronic Transactions and Personal Data Law (81)10/102018	The right to update, amend and erase personal information and protect data of a personal nature (Articles 85-109) Section FiveCriminal penalties (Section Six) 155-177 Crimes related to information systems, data, and bank cards.Amendments to the Penal Code and procedural rules related to seizing and preserving informational evidence.Organizing electronic storage of information
The Right of Access to Information Law 2017 and its amendments 2021	It does not give the right to access private data and data related to professional secrecy
Bureau on Combating Cybercrime and Protecting Intellectual Property 2006 -----	Combating information theft and breaching electronic devices Internet crimes -----
Law proposal regulating electronic news websites.2020	Not to infringe on the rights of others, especially literary and intellectual property rights.



4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

The table above shows the limited protection provided by Lebanese laws for personal privacy and data protection, as the prevalence of the Internet has opened up the doors to multiple criminal activities and created new ways to collect information, in addition to the fact that operating systems and software themselves contain weak points that facilitate the theft of proprietary data.

It is clear from the above that there is insufficient attention to protecting personal data. Current legislation views data from the perspective of economic opportunity, and this is clear through the combination of regulating electronic transactions and data protection (the law itself is even entitled law on electronic transactions and data of a personal nature, not data protection law). This deficiency is due to several issues:

A- Legal issues

Until now, that is, six years after the issuance of the Electronic Transactions Law, the Ministry of Economy and Trade has not issued directives (decree, decision) clarifying all cases in which the processing of personal data requires permits, and this deficiency weakens the law.

The law contains many provisions that allow public bodies to access personal data without any clear criteria. Regarding the data made available, the Ministry of Communications has the right to collect data and share it with government agencies, the Ministry of Interior and Defense without the consent of users.

The law seeks to concentrate powers in the hands of the executive authority, and the issue of protecting citizens' personal data does not seem clear, nor does it comply with international standards.

The bottom line is that the law referred to above seeks to regulate personal data, not protect it.

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

This was confirmed by the Social Media Support Organization (SMEX) in its study, where it considered that the Lebanese law does not reflect the General EU Data Protection Regulation, which is considered the most comprehensive in the world, nor any other law related to data privacy.

Chapter Five of the Electronic Transactions Law focuses on protecting data of a personal nature, but it neglects the protection of said data by concentrating powers in the hands of the executive authority and not providing inherent guarantees such as those enacted into international legislation. In addition, the Ministry of Economy and Trade is responsible for data processing requests. It determines who is authorized to view the data.

Granting permission to access data for commercial promotion purposes is done without having a clear definition of what constitutes commercial promotion.

In addition, Article 87 of this law stipulates that data collection must be proportional to the objective, must not exceed the declared objectives, and must be legitimate and explicit without having any preventive measures in place.

On the other hand, Law No. 140/1999, relating to preserving the right to confidentiality of intelligence conducted by any means of communication, gives the right to intercept intelligence based on a judicial decision in the event of extreme necessity, without defining these cases in a context where the judiciary is highly politicized.

It should be noted that the inadmissibility of arbitrary interference in a person's private life, which is stated in the Universal Declaration of Human Rights, also includes interference that occurs under the cover of the law due to political interference.

In this sense, legal intervention must be consistent with this Charter and be balanced and rational given the circumstances at hand. Accordingly, there must be legislation that clarifies the circumstances in which such intervention is permitted while defining the relevant controls.

Noting also that the investigation authorities of the Cybercrime Bureau suppress privacy on the network.

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

B- Issues related to communication technologies, applications and service providers

The rapid development of digital technology and the strong influx of users contribute to the emergence of renewed challenges that are difficult to keep pace with at the legislative level.

Technical challenges

Today, the problem of balancing data and privacy on Internet networks is raised (G5) Technological progress in the communications sector has led to a massive increase in data and extreme diversity, which has led to questions about the extent of the gains achieved and the subsequent losses in individual privacy.

Big data has become a source of new economic value and individuals are unable to control their data in light of the development of tracking devices (there are more than a billion cameras that monitor and record without anyone's permission).

Major companies such as Google and Facebook also resort to analyzing this data, which creates a surveillance environment everywhere.

The multiple uses of data for security, administrative, or economic purposes lead to a significant erosion of individuality, despite protective laws.

C- Applications

Studies indicate that some applications do not serve privacy. Some games, such as (solitaire), in addition to advertising networks that operate on some applications, may change smartphone settings and copy contact information without permission, for example (pokemon) and gives full access to files on Google.

The big question here: How can there be no trade-off between security and privacy?

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

The principles of security include protecting confidentiality, maintaining the integrity of information, and enhancing the availability of data. As for the principles of privacy, they define the rights of individuals and organizations with regard to personal information. The reality is that there is no final answer to this question, as it is related to the conflicting values, interests, and rights of individuals, institutions, and governments.

Some believe that technological security requires sacrificing some individual privacy, such as sharing individual data or allowing censorship or spying. Others consider that individual privacy is a fundamental right that should not be sacrificed for the sake of technological security, such as for protecting user identity, encrypting conversations, hindering autonomy or manipulation.

On the other hand, there are cases in which privacy and security may be compatible and not in conflict, such as using modern technologies to protect users from hacking, theft, or blackmail.

Service providers and artificial intelligence companies

In the absence of any legal deterrent, service providers can very easily violate privacy in various ways, such as:

- Collect, analyze, and sell users' personal data without their consent or knowledge.
- Use of cookies or other tracking tools to monitor users' behavior on the Internet and resort to personalized advertisement.
- Cooperating with authorities or other parties requesting access to personal data for legal or security purposes. On November 23, 2017, the Military Court in Lebanon issued a decision ordering all Internet service providers to cooperate with the General Directorate of General Security and provide it with user data, including usernames, addresses, phone numbers, emails, and passwords.

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

A study published by SMEX In 2020 concluded that way the privacy policy is publicized is very inefficient: 4 out of 29 have a website (a total of 114) that publish the privacy policy publicly, 3 produce the privacy policy easily, and no one produces the privacy policy in Arabic.²

Ogero does not even publish its privacy policy or terms of use on its websites, nor does it explain how it manages user data.

In addition to this, there are hacking operations carried out by artificial intelligence companies to obtain billions of images. For example, the company “ClearView AI” owns Clearview AI “The largest photo bank holds 30 billion photos without the permission of their owners, and it aspires to own 100 billion photos.”³

It is true that this technology is useful at the security level, but it is a means of constant surveillance of people and contributes to limiting their freedom.

In addition, we witness people's photos being deleted and sold without the users' permission to security and non-security agencies sometimes. An example of this is the US state of Illinois' lawsuit against Facebook, forcing it to pay \$650 million because it stored the information of about 1.6 million users from the state for facial recognition purposes without their knowledge.⁴

There is also a greater risk to use face and voice fingerprints to access individuals' private accounts and locations.

This is what prompted the European Parliament to approve a law protecting against the risks associated with artificial intelligence (GDPR) on June 13, 2023 to limit social ranking systems and racial discrimination, ban applications that contribute to the exploitation of vulnerable people through artificial intelligence, ban the use of applications that allow the manipulation of consciousness and behaviors, and to ban predictive police tools that analyze data to predict who will commit crimes by expanding the Ban on remote facial recognition and biometric identification in public places.

2- Service providers in Lebanon lack transparency: SMEX 24/2/2020

3- Anthony Canberson: Serious hacking of ClearView AI facial recognition company: 2/29/2020 @ Adcuthbertson

4- BBC 9/8/2019

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

3.2. Electronic Copyright and the Protection of Intellectual Property

Entering the era of electronic publishing has created legislative needs that did not exist previously, so countries, including Lebanon, are seeking to issue new legislation and legal amendments to protect digital content copyright owners. The following table details the legal frameworks that protect these rights in Lebanon.

Legal framework	Protective text
Literary and Artistic Property Protection Law No. 75	Articles 2 and 3 classify, inter alia, the works covered by protection, and works not covered by protection, Article No. 4 <g id="1">15th</g><g id="2"/><g id="3">Intellectual property rights</g><g id="1">15th</g><g id="2"/><g id="3">Intellectual property rights</g> Origins of creativity
Lebanese Penal Code Articles 722-729	Determining artistic and literary ownershipLess severe penalties than what is stated in the law 75/1999
Law 240, dated August 7, 2000, patent system	The exclusive right to exploit the patented invention
Lebanese Customs Law of 2000	Protecting intellectual property products at the Lebanese borders
Legal framework:	Protective text

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

Legal framework	Protective text
WIPO Copyright Treaty and its amendments WIPO-WPPT Lebanon joined in 1986	Protection of works and their authors' rights in the digital environment, in addition to computer programs and databases - the protection period is 50 years.
Bern Convention for the protection of literary and artistic works;	Protection of literary works and works derived from them, regardless of their form, purpose, or form of expression
World Trade Organization Agreement WTO/TRIPS Agreement	Commercial aspects of intellectual property rights
Rome Convention 1997	International Treaty for the Protection of Performances, Producers of Phonograms and Broadcasting Organizations
Geneva Universal Copyright Convention 1959 <hr/>	Copyright <hr/>
Intellectual Property Protection Office during the French Mandate 7/19/1923. And Resolution 2385/1924	Regulating and protecting intellectual property

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

Lebanon joined early the international bodies concerned with the protection of copyright and intellectual property, leading to the adoption of the Law on the Protection of Literary and Artistic Property No. 75/1999, which established the foundations of protection, specified exceptions, and permitted the use of part of the content for “legitimate uses.” Define crimes related to intellectual property. Intellectual property protection is due to the law known as the law of 12 Jumada al-Awal in the year 1328 AH (1910 AD) during the Ottoman era, which recognized the right of ownership over all the books, drawings, manuscripts, and musical works they produced. Since August 1, 1924, Lebanon has been bound by the Bern Charter (September 1886 (relating to the protection of literary and artistic works)).

Lebanese laws consider electronic publishing to be free, and the third clause of Article 203 of the Lebanese Penal Code was amended, adding something new to the approved means of publication, which is “electronic means,” after it was deemed to be a type of those publishing means stipulated in Article 209 of the Lebanese Penal Code.

1. Technological challenges to protecting copyright and intellectual property

It is true that electronic publishing has greatly contributed to the promotion of works of all kinds, but protecting them has become the greatest concern for the owners of these rights due to the shortcomings of the laws on the one hand or the inability to apply them on the other hand. Therefore, some resort to special protection through encryption. However, the emergence of technological innovations has contributed to disrupting the effects of protection. Nevertheless, there is a possibility to digitize intellectual property rights in the Ministry of Economy and Trade.

In addition, artificial intelligence poses additional challenges, as local laws and legislation do not stipulate how to deal with intellectual property for something completely developed by artificial intelligence, as chat GPT is also subject to copyright.

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

This also raises the issue of striking the proper balance between the copyright owner and the freedom of social media users. As such, it would be relevant to elucidate the idea of fair use, clarifying it legally as a principle, in addition to clarifying the conditions for using copyrighted content.

By contrast, participants in the discussions held about literary and artistic rights stressed that protection is legally insufficient and called for the need to tighten penalties and define them clearly, in addition to the need to document publication. Some considered that protection could come from increasing education and awareness and linking violations of rights to the weakening moral system. Others considered however that transfer operations did not constitute a violation, and some expressed their happiness at the violation of their intellectual rights, and there were those who attributed the violations to need, poverty, and economic reality.

Finally, we point out that Law No. 75/1999 did not explicitly define databases, which most international laws consider to be a data set that contains an element of innovation and is subject to protection.

What was previously presented prompts us to confirm the incompatibility of the Intellectual Property Protection Law with international developments, standards and special agreements, in addition to the lack of an effective mechanism to monitor and combat the illicit trade of counterfeit and forged goods, and the lack of adequate protection for intellectual productions that include technology and intellectual creativity, as well as the lack of any encouragement of innovation and competition in creative cultural sectors.

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

3.3- Regulating digital content

To address the regulation and supervision of digital content, the United Nations High Commissioner for Human Rights proposed measures aimed at improving digital content supervision processes instead of adding legal restrictions on content. Negotiators in the European Parliament agreed on new laws in April 2022, forcing Facebook, Twitter (X), Google and Amazon to regulate harmful online content such as hate speech and misinformation, remove illegal content, and cooperate with the authorities.

About 40 new laws regulating content on social media have been adopted around the world in the past two years and another 30 laws are being researched. (source)

The Forum on Information and Democracy, which was established to provide non-binding recommendations to 38 countries, recommended that social media should be regulated in order to end information anarchy, which poses a vital threat to democracy, and that networks be required to disclose their algorithms and basic functions to researchers.

After websites turned into stand-alone companies, it was necessary to reconsider the importance of content to enhance their visibility on search engines, especially with a large segment of users relying on the Internet to obtain a lot of information. Furthermore, at a time when the digital content industry represents a major pillar of the knowledge economy, there is no legal reference for managing and regulating digital content in Lebanon.

1. Managing and regulating content under applicable laws:

Regulating digital content is subject to the provisions of a set of penal laws in force that limit freedom of expression and circulation of content, which would hinder the development of Lebanese digital media content, especially related to knowledge, access to information, pluralism, and diversity.

4. THE EXTENT TO WHICH THE LEBANESE LEGAL FRAMEWORK REGULATING THE DIGITAL MEDIA ENVIRONMENT ACCOMMODATES RAPID DIGITAL CHANGES, THE LATEST OF WHICH BEING THE USE OF ARTIFICIAL INTELLIGENCE.

2. Managing and regulating content under the Lebanese draft laws:

There is a proposal in the pipelines since 2011. It was referred to the parliamentary committees in the 2021 under “Law Regulating News Websites”, which according to Registrar of the National Media Council, amount to one thousand websites. According to the former head of the Information Committee in the House of Representatives, Hussein Al-Haj Hassan, some provisions of this draft law subject these websites to the audio-visual law, which in itself is met with widespread objections.

As for the draft media law prepared by the current Ministry of Information in cooperation with UNESCO, it did not address the issue of media content except through the framework of setting a quota with regard to content that concerns the public interest, education and culture, and granting licenses according to this preference, in addition to proposing to add objectives to broadcasting, such as enhancing freedom of expression and encouraging the establishment of a national and innovative media sector and supporting programs that are rich in information, balanced and accurate.

The proposed draft publications law specifies the content subject to ban, from papers and files offensive to the state to content that violates morals, defamation, and libel...etc.

In this regard, we note that the Cybercrime Bureau received 2,000 complaints of defamation and libel in 2015, and only 41 of them were resolved.

5. THE UNIFIED ARAB STRATEGY FOR DEALING WITH INTERNATIONAL MEDIA COMPANIES

Lebanon was part of the decision of the Arab Information Ministers Council, which adopted on June 21, 2022, in the city of Petra in Morocco, the unified Arab strategy for dealing with international media companies (social media), tabled by Jordan, which was considered a guiding law. This law clearly indicates the necessity of organizing and managing content on social media sites.

This strategy is considered a draft Arab guiding law to prevent hate speech. The law acknowledged the necessity of developing relevant legislations, considering the regulations and laws in force in the Arab countries, to achieve a convergent legislative and fiscal base that helps protect Arabic content and includes:

- Protecting users from hate speech and the public space from harmful content and criminalizing acts committed in the digital space as they are in real life.
- As for the responsibility for illegal content, it lies with the content creator and the platform that published it.
- The draft guiding law also calls for ensuring Palestinian content is treated fairly and combating all forms of digital hatred against Arabs and Muslims.

In this context, we point out that PRS, an independent organization, highlighted the restrictions imposed on digital content and that the actions taken by Meta in May 2021 had an impact on the human rights of Palestinian users. In turn, the “Sada Social Center” study for monitoring digital content indicated that it detected more than 450 digital violations against Palestinian content during the first half of 2023, in addition to deleting posts on Palestinian accounts. (1)

Therefore, the strategy called for dropping algorithms that limit the reach of content supporting the Palestinian cause and Jerusalem.

As for the provisions of the strategy, they apply to social media organizations with 500,000 users or more within the country enacting this law. It calls for regulating online streaming platforms, OTT and IPTV providers that offer on demand online content. These provisions do not apply to the press or media content.

5. THE UNIFIED ARAB STRATEGY FOR DEALING WITH INTERNATIONAL MEDIA COMPANIES

The strategy calls on international media companies to provide dedicated channels to report illegal content and provide representation in Arab countries.

It also stipulates that content that is clearly illegal is deleted within 24 hours or seven days for content which legality is not clear.

The strategy also calls for the empowerment of individuals, civil society, and user rights defenders.

The strategy identified illegal content as fake news and disinformation campaigns, and those that interfere with electoral processes and democratic entitlements in a systematic and funded manner, in addition to spreading propaganda, promoting banned institutions, and encouraging actions and transgressions that threaten state security and disrupt societal peace.

The strategy prohibits violation of privacy through photography and publishing, insulting Arab and Islamic civilization, beliefs, and religions, inciting sectarian strife, hatred of minorities, pornographic and sexual content, and incitement to extremism and violence, and called for verifying how digital content on digital platforms is being managed and regulated.

1 Sada Social: Midyear report for 2023

It also called for protecting underage users from exposure to content that is morally and ethically inappropriate for the Arab audience via streaming platforms.

The guiding law also calls for regulating authentic Arabic content directed to the Arab public in a way that is proportionate to the volume of other content in other languages and how advertisements are displayed on these platforms. The law sets the fines resulting from violations from 100,000 to 2 million dollars, or 6% of the revenues from operations. What is noteworthy is that the revenues collected from violations are directed for use in the process of media and information awareness and education and for supporting the sustainability of non-public media outlets.

6 .THE POLITICAL, SOCIAL, AND ECONOMIC OBLIGATIONS FOR AMENDING MEDIA LAWS

Law-making in Lebanon is influenced by the surrounding Arab environment, with Lebanon being distinct in not adopting any legislation that restrict freedom of expression.

The relationship between legalization and the political condition

There is an Arab context that influences Lebanese laws, which is represented by the following:

- The Unified Arab Model Law of 2004, and its contents were quoted in the Arab laws on combating Cybercrime.
- The Arab Radio and Television Broadcasting Document 2008 issued by the Conference of Arab Information Ministers, which contains references to electronic media outlets.
- Arab Cybercrime Convention 2010
- Finally, the unified strategy for dealing with international media companies (Guiding Law 2023)

Perhaps this guiding law was the clearest in defining the framework within which amendments to media laws must materialize, specifically about the political imperatives related to Arab issues in general, from Palestine to terrorism, religious conflicts and sectarian strife.

Although the guiding law referred to considering the applicable regulations and laws in Arab countries, it directly alluded to local political issues.

This means that amending media laws in Lebanon under the political condition must take into account the contradictory political orientations towards resistance, the conflicting ideological discourse, the relationship with individuals' private data in light of the interference of politics with the judiciary, and what harmful content should be blocked in light of contradictory ideological visions. This seems to hinder the adoption of any law in light of the sharp political division we are experiencing today.

6 .THE POLITICAL, SOCIAL, AND ECONOMIC OBLIGATIONS FOR AMENDING MEDIA LAWS

5.1- Social obligations

These obligations are related to the creation of digital content and the extent of its suitability to social reality. Although the Arab guiding law clearly referred to social necessities, it also indicated the necessity of balancing between Arabic and non-Arab content.

Pointing out that there is a weakness in the Arabic digital content, which does not represent more than 3% of the global content at a time when the Arabic language is considered the fourth largest language on the Internet, (1) and the Arabic digital content is in fact 20% authentic and 80% copy-pasted.

In a world governed by intertwined cultures, the issue of preserving values and customs seems unrealistic, or at the very least very difficult, considering the youth rush to discover the world through the Internet.

Therefore, a legislative process respecting the Lebanese social realities needs to encourage the dissemination of a specific culture and coordination frameworks with local universities and research and study centers to produce thoughtful content that reduces hatred, violence and discrimination in a way that reflects positively on the process of social control in terms of reducing behavioral and other types of deviations, in addition to establishing a sustainable policy aimed at supporting and encouraging emerging projects to produce content. Everything that affects the privacy of society must be subject to special laws.

6 .THE POLITICAL, SOCIAL, AND ECONOMIC OBLIGATIONS FOR AMENDING MEDIA LAWS

5.2- Economic obligations

The economic approach considers that copyrights are privileges recognized by law with the aim of encouraging creativity and production by making this economic activity viable.

Therefore, several conditions must be taken into account when amending laws, which are that the published information leads to the creation of automatic economic activity through advertisements, and therefore the publication receives income as a result of publishing this information. Accordingly, there are several considerations in this regard:

- This information (content) should not have repercussions on individuals, especially in terms of defamation or condemnation, unless a judicial ruling has been issued.
- The title of the media material should not be irrelevant to the content.
- The publisher should not give or sell private information without the consent of the person or institution concerned.
- It is also necessary to separate data (database - form - statistics) from opinions, knowing that content that includes an opinion can cite the data, and therefore the user can use the data with the obligation to specify the reference without being obligated to adopt the opinion of the website, which may or may not be biased.
- Websites must be required to display data into a separate box and give the user the ability to benefit from this information.

1- Report BBC News Arabic 9/6/2023

7 .CONCLUSION AND RECOMMENDATIONS

The legal framework for the media and communication means includes the set of legislative and legal rules that govern the media system and its means through the texts contained in the constitutions and related to freedom of expression and the rights associated with it. They usually include:

- Administrative procedures related to issuance, licensing and penalties.
- Regulating media activity and principles governing publishing.
- State surveillance to protect individuals, public order and national security

Whereas the recent technological developments have exceeded all legal texts in force in Lebanon which have become unable to provide acceptable protection as a result of the new crimes, such as infringement on private data, personal freedom, correspondence, and the right to image, in addition to breach of morals and infringement on intellectual property and digital privacy.

After reviewing the laws, draft laws, and discussions, we put forward some suggestions and recommendations that should be included in the legal amendments in order to achieve consistency with digital changes:

7 .CONCLUSION AND RECOMMENDATIONS

A - Digital privacy and private data

Data protection requires an integrated process whose tools include a set of updates in legislation, judiciary, and education. Therefore, we propose the following:

- Establish a unified law.
- Enhancing cybersecurity and data protection through new texts
- A recommendation to amend the law in light of the European General Data Protection Regulation
- Establishing an independent authority (national body) such as: The National Authority for the Protection of Personal Data in Tunisia, with limited powers to supervise the processing of personal data.
- Excluding the Ministry of Communications and Ogero, which operate sectors in which personal data is a valuable commodity.
- Identify all cases in which data processing requires authorization and mention those in which authorization is not required.
- The Law (Electronic Transactions) specifies criminal and civil penalties for violating its provisions, but it does not guarantee the right of those harmed by a privacy violation to obtain fair compensation.
- Determine the criteria that allow public bodies to access personal data.
- The law leaves the authority to determine what data is of a personal nature to the party responsible for its application, which opens the way for abuse.
- The law imposes the necessity of obtaining express special consent from the data owner to conduct any electronic transaction, which constitutes an obstacle to electronic commerce and services.
- Adding articles to the law on violations related to breaches of data and their sources, and challenging recourses.
- Adding a text related to frameworks for data transfer and exchange inside and outside Lebanon and ensuring the necessary protection for this data during its transfer and storage.
- The Ministry of Economy must issue a text clarifying all cases in which the processing of personal data requires authorizations.
- Adding a text to limit the risks of digital systems and artificial intelligence to freedom of expression, assembly, and association.

7 .CONCLUSION AND RECOMMENDATIONS

B- Intellectual property and content regulation

- Issuing legal texts related to Internet crimes, their various forms, and sanctions.
- Determining the competent judicial authority to ensure proper handling of electronic technologies.
- Avoiding broad or ambiguous wording that allows laws to be circumvented and interpreted arbitrarily.
- Including in the law new texts on how to deal with the intellectual property of content developed entirely by artificial intelligence.
- Requiring companies to train the algorithms that run chat GPT systems so content creators know if their work has been plagiarized.
- Adding provisions on protection from harmful and illegal content by introducing better rules to protect freedom of expression.
- Reconsidering how we protect everything we publish and use technologies. (digital rights management tools DRM)
 - Halting unauthorized distribution and controlling Arabic usage in a manner consistent with the Lebanese reality
 - Approaching the texts of the guiding law in a way that is compatible with the Lebanese reality.
 - Adding texts to protect the neutrality of the Internet to ensure equal ability for users to obtain information.
 - Defining the concept of network neutrality, as it is not defined in Lebanese law, whereas the Ministry of Communications controls Internet services
 - Reconsidering the texts related to blocking content in a clear and explicit manner.
 - Supporting startups to produce digital content.
 - Adding texts to protect minors from harmful content.
 - Adding texts to protect intellectual productions that include technology and artistic creativity.
 - Adding a text subjecting chat GP to copyrights.
- Legislation in general should focus on regulation and not be excessive in stipulating penalties.
- In addition to these suggestions and recommendations, one can benefit from the body of the text, as we have pointed out legal defects that can be addressed.

7 .CONCLUSION AND RECOMMENDATIONS

C- Media and digital education

The political dimension may contribute to the failure to implement any measures. Recognizing the difficulty of keeping up with legislation calling for developments in media technology necessitates research into media and digital education, which must include programs aimed at:

- Promoting awareness and media education for the public and reinforcing accountability
- Investing in the media experience (the experience of Finland and Singapore), which adopted digital education in its educational curricula.
- Producing educational programs on Internet awareness.
- Educating people on digital behaviors, especially those related to artificial intelligence, because users themselves are the only ones capable of controlling this trend.
- Developing educational programs about the limits of using private data.
- Introducing a pre-university course on the ethics of using the Internet.
- Training users to take control of their data.

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