



## STANDARD SETTING DOCUMENT

This document is part of a series of standard setting documents prepared by Maharat Foundation to stimulate public discourse on media law reform in Lebanon in line with freedom of expression. This comes within the framework of the "Media Reform to Enhance Freedom of Expression in Lebanon" project, implemented in collaboration with Legal Agenda and Media and Journalism Research Center, with the support of the European Union.

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### Key messages

- The state of media freedoms in Lebanon is in continuous decline, necessitating urgent actions from both official authorities and media institutions to protect these freedoms. This requires addressing four types of threats: physical, psychological, digital, and financial.
- It is imperative to enact a law that guarantees media freedoms, protecting journalists and ensuring freedom of opinion and expression.
- Ensuring the social security of journalists is crucial for maintaining their independence and professional performance.
- Efforts must be made to safeguard journalists' security and develop mechanisms to document assaults against them.
- Perpetrators of attacks on journalists and media workers should be prosecuted, with the principle of accountability upheld and impunity eliminated.
- Surveillance on journalists should be prohibited, and they should not be compelled to disclose their sources. Additionally, the protection of whistleblowers must be strengthened.

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### Summary of the main recommendations



#### To the authorities:

- Enact a law that protects journalists, abolishes the criminalization and imprisonment of journalists, and allows the establishment of new media institutions without restrictions.
- Protect journalists from assaults, ensure that those who attack them are punished, and guarantee their freedom to work.
- Ensure journalists' right to access information and protect their sources.



#### To the media sector:

- Enhance the status of media institution employees both in terms of their livelihood security and their professional freedom.
- Activate syndicates' work to ensure it fulfills its role.
- Provide continuous training for journalists on safety and security in their fieldwork and in the digital world.



#### To the international community:

- Enhance collaboration with international organizations to support media institutions and train journalists.
- Support independent media outlets.

The media sector in Lebanon is experiencing a significant decline in terms of freedoms and the protection of journalists and media workers. Both media institutions and their employees express concerns about this situation. Journalists particularly struggle with difficulties in accessing information and face various restrictions that hinder their ability to perform their duties effectively.

Journalists in Lebanon face several threats, including assassination, intimidation, assaults on field correspondents, impunity for perpetrators of crimes against journalists, judicial harassment and summons, obstruction in performing their work freely, self-censorship, among others. These challenges severely limit their ability to practice their profession independently and deprive them of a conducive environment for their work.

Therefore, there is a pressing need to protect journalists in Lebanon, as their protection is the first step towards ensuring freedom of expression. This protection is essential not only for enabling journalists to report events and express opinions but also for giving voice to diverse societal groups, addressing issues of good governance, combating corruption, and promoting the public interest.

The right to freedom of expression is a fundamental human right enshrined in Article 19 of the Universal Declaration of Human Rights (...). "History has taught us that the erosion of freedom of expression often precedes the erosion of other fundamental freedoms." Additionally, "There can be no democracy without access to transparent and credible news. Freedom of the press is the cornerstone for building fair and impartial institutions that hold officials accountable and reveal the truth in the face of power."

The United Nations has specifically integrated the need for journalists' safety into its Sustainable Development Goals, recognizing the role of freedom of expression and access to information as prerequisites and drivers for sustainable development and human rights. It calls on states to align their laws, policies, and practices fully with their international human rights obligations to ensure that journalists and other media workers can carry out their work independently.

The United Nations, through its agencies, particularly UNESCO, actively works to protect journalists. UNESCO emphasizes that "Journalism is fundamental for sustainable development, human rights protection and democratic consolidation, but remains a dangerous and too often deadly profession - and nine times out of ten, the murder of a journalist is unresolved." According to UNESCO's Observatory of Killed Journalists, 1602 journalists have been killed since 1993, including 22 in 2023 alone. Additionally, journalists face increasing attacks when covering protests, from both security forces and protest participants.

In Lebanon, there is a lack of legislation specifically designed to protect journalists. Despite Lebanon's signing of [UN Human Rights Council Resolution 33/2 \(September 2016\)](#), on the safety of journalists, which calls on states to protect and provide a safe and healthy environment for journalists, this commitment is not reflected in Lebanese laws nor in ensuring accountability for attacks on journalists. [Article 408 of the Penal Code](#) endangers press freedom by allowing for the prosecution of any journalist who refuses to disclose their sources when summoned by a court.

Lebanon is a member of the Media Freedom Coalition, a partnership of countries advocating for media freedom, journalist safety, and accountability for crimes against journalists. Founding members of the coalition signed the [Global Pledge on Media Freedom, a formal commitment to support media freedom](#) both domestically and through international cooperation. Lebanon was one of the initial signatories of the global pledge at the Global Conference for Media Freedom in London, UK, on July 10, 2019. However, Lebanon has abstained from signing several statements, including a statement on the protection of women journalists on International Women's Day in 2022.

## List of standards



1. Recognize media freedom as fundamental, necessitating efforts to address threats to journalists and obstacles to their work, while enhancing the independence of media institutions.
2. Official authorities are primarily responsible for ensuring journalists' freedom by enacting protective legislation and enforcing laws that guarantee media practices.
3. The judiciary is directly responsible for protecting the media sector and addressing those who attack journalists to end the impunity of perpetrators.
4. Media institutions must work to improve the status of their employees, ensure their social security and professional freedom, and provide necessary training on safety and security.

This paper is part of the "Media Reform to Enhance Freedom of Expression in Lebanon" project, conducted in collaboration with Legal Agenda, Media and Journalism Research Center, with the support from the European Union. It draws on research papers prepared by Dr. Wafaa Abou Shakra, titled "Protecting Journalists and Their Sources: An Approach to Media Freedom Violations in Lebanon" and by the European expert Dr. Judith Pies, titled "Protection of Journalists and Journalistic Sources in Europe." Additionally, this document is based on the discussions from the seminar "Protection of Journalists and their sources" held on July 18th, 2023, which brought together academics, legal experts, journalists, European specialists, civil society organizations, and discussed the state of media in Lebanon in light of the proposed media law under discussion in the Lebanese Parliament.

Abou Shakra noted that, according to all local and international reports, the landscape of freedoms in Lebanon does not appear healthy at all. One of these reports considered that our country has slipped from the category of "hybrid democratic states" to the category of "authoritarian states." Therefore, it can be said that journalists require three types of protection: firstly, institutional protection; secondly, legal protection; and thirdly, syndicate protection. These protections can shield them from two types of risks: the first being violations and attacks that personally affect their safety and lives while practicing their profession (such as murder, physical violence, arrest, dismissal from work, lack of health insurance, and all other social guarantees, etc.); and the second type being difficulties and pressures that hinder them from fulfilling their duties professionally and effectively (self or direct censorship, containment, attempts at discipline, indoctrination, inducement, and intimidation, etc.).

The European expert, Dr. Judith Pies, presented in her paper the media systems in general, such as the liberal model that reflects how the media operates in Europe, and the free clientelistic model characterized by the control and ownership of these media outlets by political parties, considering Lebanon to be rooted in this model.

Following the presentation of the two papers, a discussion was open towards examining the state of the media in Lebanon, where participants offered their insights. This discussion encompassed the general framework of journalists' work, including personal protection, the right to access information, countering misinformation, and achieving a professional framework that ensures media freedoms, particularly through the establishment of modern legislation and guaranteeing the safety of journalists and the protection of media plurality. The discussions addressed the following issues:

Journalists in Lebanon face physical and psychological assaults, threats, and various forms of pressure. Furthermore, there are additional challenges exacerbated by the economic downturn, lack of job security, and the absence of laws that ensure protection for journalists.

The presence of surveillance programs in the Arab world violates the freedom of journalists.

The judiciary often fails to provide journalists with the necessary protection, and there is a lack of clear rules governing the engagement of security agencies and cybercrime units with journalists.

The necessity to ensure the protection of sources in light of technological advancements and to safeguard journalists from intelligence and security activities.

The presence of areas where authorities enforce their powers by prohibiting filming or conducting interviews with people, confiscating cameras, and cutting off broadcasts of certain stations, contradicts the laws governing freedom of journalistic work.

The lack of financial independence in the majority of media institutions adversely affects journalists.

Journalists are subjected to digital attacks, incitement campaigns, bullying, summonses, and arrests, serving as immediate forms of punishment.

The absence of an active role for media syndicates undermines their essential role in all aspects of media work.

The perpetrators of crimes against journalists often remain unidentified, with few cases resulting in the identification or prosecution of the perpetrators. Addressing this issue requires a serious policy effort from the government, judiciary, security institutions, civil society, and the media to build a democratic state that respects human rights and dignity.

The weakness of the sectarian-based political system allows impunity and lack of accountability, enabling individuals to escape punishment and being held accountable.

### On the governance level

- Decriminalization of journalists in defamation cases against public or governmental Institutions
- Establish legal protections as a right for anyone expressing their opinion within the framework of freedom of expression, including journalists and social media activists. Their opinions and sources must be safeguarded.
- Abolish imprisonment penalties for journalists, replacing them with civil liability and fines instead of criminal prosecution.
- Repeal legislative provisions granting military courts the authority to prosecute journalists. Eliminate the role of judicial police in investigating so-called "media crimes."
- Enforce legislative and administrative measures that ensure unrestricted access for journalists to information, upholding their right to access information and the confidentiality of their sources.
- Free journalistic and media institutions from prior licensing systems or privileges.
- Redefining the concept of the Publications Court, either by abolishing it and reverting to the ordinary judiciary or retaining it with specific qualifications for its members, to prevent it from becoming an exceptional court.
- Training security institutions on protecting fundamental rights: Establish clear and essential guidelines on how security forces should interact with journalists in the field during their media coverage.
- Enhancing legal protections for whistleblowers in corruption cases
- Incorporating financial rights into the law by introducing provisions stipulating the minimum wages for journalistic work to ensure and protect the financial independence and stability of journalists.
- Establishing a law for a "Pension Fund" and "Unemployment Fund": Enact a law to create these funds for journalists and all media workers employed by media institutions, aiming to provide social protection (living expenses, salary, health insurance, elderly insurance) and set mechanisms for their operation and funding.
- Developing mechanisms to document all forms of attacks against journalists. This includes physical violence, intimidation, threats, harassment, legal prosecutions, censorship, restrictions, cyberattacks, and economic pressure.

### On the media institutions level

- Continuous training for journalists on safety and security during protests, wars, and any high-risk events they may encounter in their professional duties and personal lives.
- Grant journalists medical and occupational insurance to protect their physical, financial, and psychological well-being within the scope of their work.
- The right to associations should be considered an absolute right for journalists, and the current mechanism allowing employers to determine the syndicate's schedule should be abolished.

### On the international level

- Support independent media through workshops, training, grants, and partnerships.
- Support investigative journalism programs.
- Involve international media monitoring organizations in overseeing the respect for media freedoms implementation in Lebanon.

