

## 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.

### 1 Key messages

- 1- It is necessary for media laws to keep pace with the realities of the media landscape and the rapid developments in the fields of media and communication. This involves defining the roles of media professionals across different institutions and sectors, as well as specifying their rights and duties.
- 2- There is a need to strengthen media syndicates, especially since they currently include only a small percentage of media professionals and are fragmented and unable to provide any support to their members.
- 3- It is essential to establish a collective agreement that regulates the relationship between media owners and their employees.
- 4- Enhancing the employment, social, and moral guarantees for workers in various media sectors is crucial.
- 5- There is a need to address the difficult conditions faced by workers in the media sectors, such as arbitrary dismissal, low salaries, lack of job security, absence of individual freedoms, and more.

### 2 Summary of the main recommendations



#### To the authorities:

- Issuing a new media law that takes into account the latest developments, both in terms of the concept of journalistic work—such as defining the journalist, the media institution, journalistic activities, and syndicates—and in terms of the challenges journalists face in protection and enhancing economic, social, and legal guarantees to ensure their freedom and independence.
- Working on enacting legislation aimed at guaranteeing the physical, social, and economic security of journalists to protect them from being subject to blackmail in their livelihood, which affects their freedom and professional performance.
- Striving to propose and enact laws that create mechanisms for financing journalistic and media institutions in a way that prevents them from being influenced by political and electoral money, which threatens media freedom, journalistic professionalism, and ethical principles.
- Ensuring free syndicates activity and detaching the influence of authorities and politicians over labor and trade associations.
- Putting an end to the monopoly of media ownership and the distribution of privileges to authorities and capital owners, which hinders free media performance and leads to media dependency on employers, institution owners, financiers, and politicians.



#### To the media sector:

- Revisiting the structure and powers of existing media syndicates and reviewing the commitments of these associations and institutions towards their members to ensure the regularity of journalists' work, secure their rights, and allow for the establishment of freedom of press association
- Freeing syndicates activities from the control of media owners and allowing journalists the freedom to engage in independent association's work.
- Establishing a shared code of ethics for media owners and journalists that guarantees journalists' freedom and independence.
- Facilitating negotiations between media workers and media owners to approve a collective work contract.
- Detaching syndicates activities from sectarian and political dependencies.



#### To the international community:

- Leveraging international expertise in the field of regulatory laws to support journalists' freedom and their right to be part of journalistic associations.
- Engaging with international journalists' syndicates to join and collaborate with them in various areas.

Studying the reality of Lebanese media and striving to develop and address its issues necessitates giving significant importance to the associations aspect, especially since journalists in Lebanon have always complained about the absence of an effective syndicate framework. This framework is one of the essential elements of the media environment, as it is responsible for protecting the rights of the syndicates members and defending them both materially and morally, while also supporting them individually and collectively. Syndicates balance the power of employers and help workers achieve job stability and social security. Joining associations generally allows for the protection of workers, as the syndicates provides a safeguard against any malicious acts or injustices they may face. These syndicates typically establish a collective agreement for their members in partnership with employers, ensuring fair salaries, social benefits, career advancement, and more.

These associations rules apply to media workers who join organized syndicates that defend their rights and professional circumstances. This is particularly essential in journalism to guarantee journalists' safety and to create a professional environment that allows them to work independently, free from financial or moral pressures. According to the Munich Charter (Declaration of Duties and Rights of Journalists), "It is difficult for a journalist to carry out their duties unless they are provided with tangible conditions that ensure independence and professional dignity. The charter also states that journalists have the right to 'benefit not only from the advantages of collective professional agreements but also from a personal employment contract that secures their material and moral rights in practicing the profession, along with a salary that reflects their role in society and ensures their economic independence."

Based on these principles, there is an urgent need in Lebanon to examine the professional framework in which journalists operate, particularly regarding its syndicates activities, working conditions in media institutions, necessary social benefits provided to the media body, and the general legal framework that regulates syndicates framework for employees in media institutions.

A review of the texts related to the organization of media work in Lebanon reveals that the only legal definition addressing the journalism profession is the one contained in the 1962 law, which now requires revision to keep pace with current changes. The current syndicate situation suffers from several issues, such as the necessity for an employer to allow journalists to join a syndicate and the inclusion of individuals from outside the profession in these associations, while approximately two-thirds of those working in the media sector remain without any syndicate affiliation. Additionally, the syndicates are subject to sectarian and political quota distributions.

The recent economic crisis has exposed the depth of the crisis facing journalists on all levels, with the absence of any social or economic protection and the inability of existing syndicates to fulfill this role. Many media sector workers have lost their jobs without the compensation they are entitled to. Additionally, many of them are not registered with social security and receive salaries that do not provide a decent living.



## List of Standards

- 1- Developing syndicates' organization laws and freedom of press association to include all workers in various media sectors and ensure the main objectives sought by professional syndicates in general.
- 2- Opening freedom of press association and establishing those associations for media professionals.
- 3- Establishing a collective work contract that guarantees the rights of workers in the media sectors.
- 4- Ensuring the right of journalists to social security to protect them from temptations and to guarantee their independence and freedom of thought.

## The general framework and discussion topics

This paper is part of the project "**Media Reform to Enhance Freedom of Expression in Lebanon**," in collaboration with Legal Agenda and Media and Journalism Research Center, supported by the European Union. It is based on two research papers on the subject. A seminar titled "Freedom of press association" was held in Beirut on July 18, bringing together academics, legal experts, media professionals, European experts, and civil society organizations. The seminar addressed the topic of media syndicates in Lebanon and journalists' freedom of association. The seminar included two research papers on this topic, the first, authored by Dr. Assaad Sadaka, titled "Freedom of Press Association: Reality and Challenges" The second paper, prepared by Dr. Judith Pies, titled "Associations of Journalists and Their Role in Protecting Press Freedom in Europe".

The **first paper** discussed the state of syndicates under the current law, which still provides a primitive definition of journalism and its practitioners. It confines most of its provisions to newspapers, printed materials, and publishing houses, without addressing the developments in audiovisual media or the transformations brought by digital media. There are no clear laws governing the work of electronic websites, which have grown significantly in recent years and now employ dozens of journalists and media workers without any clear legal framework defining their operations or providing a legal description and framework for their employees. This is particularly concerning given that the press law under which journalists are prosecuted is unsuitable for electronic websites, which lack legal personality.

Many journalists have been forced to seek additional sources of income alongside their journalistic work in order to secure their financial stability. This has manifested in political and sectarian alignments among many journalists, who found this to be a way to ensure their political, physical, and financial security, and perhaps a sense of job security to avoid arbitrary dismissal. Journalists have been left without any social protection, at the mercy of whims after the collapse of the Lebanese currency, and vulnerable to both domestic and foreign temptations.

The **second paper** discussed the definition of journalists in the European Union, where "journalist" is not a legally protected professional title, and there are no legal definitions of journalism in the EU. Therefore, courts decide whether a matter concerns journalism or not. The paper presented the considerations taken into account for defining journalists, as well as emphasized the importance of syndicates in media institutions that take care of journalists, whereby its tasks includes:

- Representation of media employees.
- Providing services to members, such as legal consultations, retirement benefits, and continuous training.
- Establishing and operating media councils and ethics blogs.
- Participating in media policies (they have an important role in media policies and code of ethics).
- Communicating with members, and between members and the community.

#### On the Governance Level

- Adopting a new media law that considers the recent developments in the media sector due to the digital revolution, to encompass various media outlets and all workers within them.
- Establishing necessary regulations to activate the syndicates sector and ensure the freedom of journalists to organize in professional associations.
- Involving journalists in discussions on media law projects and proposals with lawmakers.
- Establishing specialized courts to adjudicate complaints involving media institutions and their employees.
- Securing funding for journalistic and media institutions to prevent them from being influenced by political and electoral funding.

#### On the media syndicates level

- Activating syndicates and establishing organizational frameworks to encompass all media sectors, particularly given the blurred boundaries of content creation in the digital age.
- Framing journalists within syndicates framework to defend their interests and promote professional standards.
- Ensuring the physical, social, and economic security of journalists, crucial for their freedom and integrity.
- Enhancing the role of the syndicates regarding their members, such as providing legal consultations, retirement security systems, and professional and social services, possibly through collaboration with external associations, e.g., legal advice or technical support.
- Involving syndicates in media policies, whereby they can play a significant role in advancing media policies and codes of ethics.
- Defining who qualifies as a journalist and who should obtain a press card as a matter pertaining to the profession itself, ensuring better public reporting free from state or other powerful entity pressure or influence.
- Membership in journalists' associations should be open and accessible to all working in journalism, especially young professionals. Diversifying journalistic associations does not necessarily weaken the profession but should differentiate between media owners and funders and those working as journalists. These active associations should work together on economic and professional representation of journalists, if not across all aspects, at least where joint alliances secure press freedom.

#### on the international level

- Coordinating with international journalistic associations to share their syndicate and professional expertise.
- Facilitating the sharing of resources that aid in training and skill development for journalists.