

Policy Paper and Recommendations

2026



From the Adoption of the Media Law to Ensuring Its Implementation: Judicial and Regulatory Priorities for Protecting Freedom of Expression

I. Why This Paper?

The entry into force of the new Media Law No. 69/2026 marks a major milestone in the reform of legislation governing the media and freedom of expression in Lebanon, following years of legislative work and debate among public institutions, judicial authorities, professional bodies, and civil society organisations.

The significance of the law lies in the shift it introduces in the legal approach to liability arising from publication and expression, through the transition from criminal to civil liability in cases of libel and defamation covered by the law, and the expansion of legal protection for freedom of expression across different forms of publication, while retaining criminal liability for specific acts subject to legally defined conditions.

However, the law's entry into force has revealed challenges relating to the interpretation and application of certain provisions, particularly concerning the scope of the protection it affords, the distinction between civil and criminal liability, the interpretation of offences related to the publication of false news, the status of pending lawsuits and prosecutions, and the judicial and regulatory measures required to give effect to its provisions.

As summonses and prosecutions relating to publication and freedom of expression continue, there is a pressing need to ensure that legislative reform is reflected in judicial practice, so that criminal proceedings do not continue in respect of acts that are no longer criminalised, and differences in the interpretation of the new provisions do not deprive the reform of its substance.

Building on its role in following the Media Law reform process and on the [legal analysis](#) it published on the impact of the new law and General Amnesty Law No. 70/2026 on pending cases, Maharat Foundation seeks, through this paper, to identify practical priorities for ensuring the consistent application of the law in a manner that protects freedom of expression and safeguards the rights of litigants.

II. Context of the Paper – From Legal Debate to Implementation Priorities

On 20 October 2026, a [multi-stakeholder discussion](#) was held at the Ministry of Information to address the legal and judicial challenges associated with the implementation of the new Media Law. Participants included Minister of Information Dr. Paul Morcos, Minister of Justice Adel Nassar, Public Prosecutor at the Court of Cassation Judge Ahmad Rami Al-Hajj, representatives of the Higher Judicial Council, judges, lawyers, legal experts, particularly former Member of Parliament Mr Ghassan Moukheiber, and Maharat Foundation.

The interventions revealed areas of convergence regarding the importance of implementing the law, alongside differing interpretations of certain provisions and of the procedures to be adopted.

The discussion focused in particular on four areas:

- The scope of application of the law and the distinction between professional media and the exercise of freedom of expression by individuals in general.
- The shift from criminal to civil liability, the limits of the remaining criminalisation, particularly with regard to the fabrication of misleading information and the publication of false news.
- The status of pending lawsuits and prosecutions before public prosecution offices, investigating judges, the Publications Court, and other courts, in light of the transitional provisions and the General Amnesty Law.
- The judicial and administrative measures required to implement the law, establish the National Media Council, and activate its role.

During the discussion, a position emerged emphasising the need to interpret the law in light of the reform objectives for which it was adopted, while respecting the legislator's intention to expand the protection of freedom of expression and limit criminalisation. On the other hand, interpretations were put forward advocating a broader distinction between professional and non-professional media.

Maharat Foundation considers that these differences in interpretation, together with the continued issuance of summonses and criminal prosecutions in cases involving

publication and freedom of expression, call for constructive legal and institutional engagement. This should not involve reconsidering the reform principles enshrined in the law, but rather clarifying its implementation mechanisms and developing a shared understanding of its provisions, while respecting judicial independence and the courts' authority to adjudicate the disputes brought before them.

Accordingly, this paper seeks to formulate policy recommendations grounded in the law's reform objectives, constitutional principles, and international freedom of expression standards, against the backdrop of continuing summonses and prosecutions.

III. Core Principles That Should Govern the Implementation of the Law

1. Freedom of Expression Is a Right for Everyone, Not a Professional Privilege Reserved for Journalists

Maharat Foundation emphasises that the protection of freedom of opinion and expression does not depend on the professional status of the person exercising it. Rather, it is a fundamental right enjoyed by all individuals, in accordance with the Lebanese Constitution and Article 19 of the Universal Declaration of Human Rights.

From this perspective, extending the scope of the Media Law to cover different means of publication and expression, including digital and non-professional platforms, represents a legislative choice consistent with the evolution of the media and digital environment. It should not be treated as a loophole warranting restrictions on legal protection.

This does not mean eliminating the distinction between professional and non-professional media, as the law establishes specific safeguards and obligations for professional journalists, including source protection. However, this professional distinction must not become grounds for denying other individuals the legal protection afforded to freedom of expression.

Moreover, the professional and ethical standards governing journalistic practice differ in nature from the criminal restrictions imposed on the exercise of freedom of expression, and the two must not be conflated.



The application of provisions concerning freedom of expression and liability for publication must be based on the nature of the act, the medium used, and the applicable legal provisions, rather than on professional status as a condition for enjoying basic protection.

2. The Shift to Civil Liability Is a Legislative Choice That Must Be Respected

Subjecting libel and defamation within the scope of the Media Law to civil liability is not merely a change in judicial jurisdiction; it represents a shift in the nature of legal liability for publication.

This shift requires distinguishing between acts that no longer warrant criminal prosecution and those that remain criminalised under the law, and refraining from applying criminal provisions that have been repealed or whose application has been excluded in cases covered by the new law.

Moreover, differences in the legal treatment of certain acts depending on the means by which they are committed do not, in themselves, constitute a contradiction warranting the reintroduction of criminalisation. Rather, such differences should be understood in light of the scope of the specific provisions and their relationship to general rules.



Issues arising from the implementation of the law must not be addressed by reviving criminal liability in cases that the legislator intended to subject to civil liability. The priority must be to respect this shift and ensure its consistent application to all persons covered by the law.

3. Interpret Remaining Criminal Offences Narrowly to Protect Freedom of Expression

Article 104, particularly paragraph (b), which concerns the deliberate fabrication of misleading information and the publication of false and harmful news, raises questions about the boundary between acts giving rise to criminal liability and those falling within the scope of civil liability.

The legal debate has revealed two approaches to interpreting this paragraph. One links criminalisation to fabricated news that affects the public interest or causes public alarm or panic. The other adopts a broader interpretation, extending to allegations concerning specific individuals where such allegations are considered factual in nature but remain unsubstantiated.

Maharat Foundation advocates a narrow interpretation of criminal provisions, consistent with the principle of legality of crimes and penalties, and intended to prevent provisions on false news from being used to indirectly re-criminalise libel and defamation.

This requires distinguishing between deliberately fabricated news that satisfies the elements of a criminal offence and journalistic errors, inaccurate information, or allegations concerning specific individuals, which do not automatically constitute criminal offences merely because their accuracy has not been established.

A publication's adverse effect on a person's reputation, or its inclusion of an unsubstantiated allegation, is not in itself sufficient to bring it within the provisions on the fabrication of misleading information without verifying that all the required legal elements are present.



Article 104 should be interpreted in light of the law's objective of protecting freedom of expression and limiting criminalisation. The narrowest interpretation should be adopted to prevent unjustified overlap between civil and criminal liability, while assessing the elements of intent and harm, as well as the nature of the act, in accordance with the statutory provision.

End Criminal Prosecutions Where the Legal Basis for Criminal Liability .4 No Longer Exists, While Safeguarding the Rights of Affected Parties

The status of pending cases is one of the most significant practical tests of the new Media Law, particularly as its implementation coincides with the General Amnesty Law.

Maharat Foundation emphasises the need to distinguish between three legal situations:

First: Acts that have ceased to constitute criminal offences. Criminal proceedings concerning such acts must be terminated in accordance with the stage reached by the proceedings, pursuant to the principle of applying the more lenient criminal law, while preserving the affected party's right to seek compensation.

Second: Acts that remain criminal offences but are covered by the general amnesty. The provisions governing the extinguishment of the public criminal action must be applied, with due regard to the rules governing personal rights claims.

Third: Acts that remain criminal offences and are not covered by the general amnesty. Criminal proceedings may continue where all legal requirements are met, subject to the applicable procedural safeguards.

With regard to Article 117, the administrative referral of complaints pending before public prosecutors raises practical issues that require clarification of the mechanisms for implementing this provision, while respecting the independence of civil proceedings and the legal requirements for initiating them.

Maharat considers that giving administrative referrals practical effect, wherever legally and procedurally possible, must go hand in hand with ensuring that criminal proceedings do not continue merely because a referral is impossible or the procedures governing it are unclear.

As for cases pending before the Publications Court, their status should be addressed in accordance with the transitional provisions, allowing existing cases to continue to be heard within the scope of the specified transitional jurisdiction. The new law and the provisions of the General Amnesty Law should be applied where appropriate, without accepting new cases.



Procedural challenges must not undermine the effects of decriminalisation or deprive affected parties of access to civil remedies. Clear implementation mechanisms are needed that respect the nature of each case and the stage it has reached in the judicial process.

5. Prioritising the Establishment and Effective Functioning of the Institutions and Mechanisms Provided for by Law

The effective implementation of the Media Law is not limited to addressing judicial cases; it also requires completing the institutional and regulatory procedures provided for under the law, foremost among them the establishment of the National Media Council.

Maharat Foundation considers the National Media Council to be one of the pillars of the new regulatory framework. Its role should be understood in terms of protecting the public interest, media pluralism, and regulatory independence, rather than as an exclusive professional representative body for journalists or media institutions.

It is essential to expedite the establishment of the Council in accordance with the applicable legal procedures, ensure its independence and a diversity of expertise among its members, and enable it to exercise its powers transparently and effectively.

There is also a need to support the implementation of the law through coordination among the relevant institutions, strengthening judges', lawyers', and media professionals' understanding of its provisions, and monitoring practical challenges that may require subsequent clarification or legislative amendments.

IV. Policy Recommendations

Pillar One: The Judiciary and Public Prosecution Offices

Relevant stakeholders:

The Higher Judicial Council, the Public Prosecutor at the Court of Cassation, the competent courts, and the Ministry of Justice within the scope of its powers.

1. **Develop practical judicial guidelines on the new Media Law**, in coordination among the competent judicial authorities and within the limits of their respective powers, to clarify the provisions governing the transition from criminal to civil liability, while respecting judges' independence in interpreting legal texts and adjudicating cases.
2. **Review pending complaints and prosecutions** in light of the new law and the General Amnesty Law, distinguishing between acts that have ceased to constitute criminal offences, acts that remain criminal offences but are covered by the amnesty, and acts for which criminal proceedings may continue.
3. **Ensure that criminal proceedings are discontinued for acts that are no longer criminalised**, and that summonses and criminal investigations do not continue on the basis of provisions that no longer apply to the facts underlying the complaint.
4. **Adopt a narrow interpretation of Article 104(b)** that respects the principle of legality of crimes and penalties, distinguishes between deliberately fabricated news that satisfies the elements of a criminal offence and acts falling within the scope of civil liability, and prevents libel and defamation cases from being expansively reclassified as criminal offences.
5. **Clarify the procedures for implementing Article 117**, particularly those concerning complaints pending before public prosecution offices, the possibility of administrative referral to the civil courts, and the procedural alternatives available when such referral is legally impossible.
6. **Clarify the procedures for handling cases pending before the Publications Court during the transitional period**, including jurisdiction, avenues of appeal, and ancillary civil claims, and prevent procedural gaps that could delay the resolution of pending cases.
7. **Operationalise the specialised civil chambers for cases involving opinion and the media** in accordance with Article 111, and provide the judicial and administrative resources necessary for their functioning, enabling affected parties to pursue effective civil proceedings for compensation.
8. **Organise specialised training programmes for judges and public prosecutors** on the new provisions, freedom of expression principles, and relevant international standards, in cooperation with the competent judicial institutions.

Pillar Two: The Executive Branch and Institutional Coordination

Relevant stakeholders:

The Ministries of Information and Justice, in cooperation with the Higher Judicial Council and the relevant authorities.

1. **Establish an institutional coordination mechanism to support the implementation of the new Media Law**, bringing together the authorities responsible for its implementation, representatives of professional bodies, experts, and civil society organisations, with the aim of identifying practical challenges and proposing solutions within the applicable legal framework.
2. **Prepare a simplified implementation guide to the law's provisions**, clarifying the scope of legal protection, civil and criminal liability, judicial jurisdiction, litigation procedures, and the safeguards available to journalists and other individuals.
3. **Distinguish between the priority of implementing the law in force and discussions on its amendment**, ensuring that new legislative proposals do not delay the implementation of reforms or suspend the application of provisions that have entered into force.

Pillar Three: Establishing the National Media Commission and Activating Its Role

Relevant stakeholders:

The Higher Judicial Council, the authorities empowered to nominate and select members, and the Ministry of Information within the scope of its powers.

1. **Expedite the completion of the legal procedures required to establish the National Media Council**, and strengthen coordination among the authorities responsible for nominations and selections in accordance with Article 74.
2. **Ensure the Council's independence and pluralism** by adhering to the legally prescribed establishment procedures and applying criteria of competence, expertise, independence, and transparency in selecting its members.

Pillar Four: Professional Bodies, Lawyers, and Media Institutions

Relevant stakeholders:

The two Bar Associations, media bodies and syndicates, media institutions, and training organisations.

1. **Organise specialised legal awareness programmes for lawyers** on the new provisions, including the transition to civil liability, judicial jurisdiction, the status of pending cases, and litigants' rights.
2. **Strengthen journalists' and media professionals' understanding of the new law**, particularly the legal safeguards available to them, their rights and obligations, and the distinction between professional and ethical responsibility and legal liability.
3. **Develop self-regulation and professional accountability mechanisms** within media institutions to strengthen information verification, corrections, and the right of reply, and help reduce disputes without unnecessary recourse to the courts.
4. **Extend awareness-raising efforts to content creators, users, and non-professional publishers**, recognising that freedom of expression and the associated legal protection are not limited to professional journalists.
5. **Strengthen dialogue between professional bodies and judicial institutions** on the practical implementation of the law, based on respect for the legislator's choices and a commitment to finding solutions to procedural and regulatory challenges.

Pillar Five: Legislative Follow-Up and Media Policy

Relevant stakeholders:

Parliament, the Ministry of Information, the National Media Commission once established, and civil society organisations.

1. **Prioritise implementation of the law and assessment of its practical effects before pursuing broad legislative amendments**, without ruling out addressing gaps that cannot be resolved through interpretation or regulatory measures.
2. **Assess the impact of any subsequent legislative amendments on freedom of expression**, ensuring that they do not reintroduce criminal penalties or restrictions that run counter to the law's reform objectives.
3. **Address ambiguities in the provisions concerning false news** where legislative intervention is necessary.
4. **Restore public media reform to the priorities of media policy**, in a manner that ensures its independence, funding, and sustainability, as well as its ability to serve the public interest and promote pluralism.
5. **Conduct periodic assessments of the law's implementation**, based on measurable indicators, including the number of publication-related prosecutions, the outcomes of pending cases, the effective use of civil proceedings, the establishment of the National Media Council, and the regulatory measures completed.

V. Towards a Joint Follow-Up Mechanism to Ensure Effective Implementation

Maharat Foundation considers that the success of the new Media Law requires moving beyond discussions of its provisions towards monitoring their implementation in practice, through institutional cooperation that respects judicial independence and enables practical and systematic responses to implementation challenges.

To this end, Maharat proposes a follow-up process built around three interrelated priorities:

Immediate priority: Addressing urgent judicial challenges. This includes clarifying the status of pending prosecutions and cases, giving effect to the provisions on decriminalisation, ensuring that other criminal provisions are not used to circumvent the reform, and completing the procedures required to operationalise the specialised civil chambers.

Institutional priority: Completing the mechanisms for implementing the law. This includes establishing the National Media Council, organising capacity-building programmes for judges, lawyers, and media professionals, and developing practical guidance and coordination mechanisms among the relevant authorities.

Medium-term priority: Evaluating implementation and developing policy. This includes monitoring judicial and administrative practice, identifying gaps requiring remedial action, and discussing any future legislative amendments in light of practical evidence and constitutional and international standards.

Maharat Foundation emphasises that the true test of the new Media Law lies not merely in its entry into force, but in the ability of the relevant institutions to translate its reforms into clear judicial and administrative practices that protect freedom of expression and safeguard the rights of affected parties.

Accordingly, Maharat calls on all relevant stakeholders to adopt a collaborative and constructive approach to implementing the law, grounded in respect for its reform objectives and aimed at resolving procedural ambiguities without undermining the gains achieved in the field of fundamental freedoms.

The objective is not merely to ensure the proper implementation of a new law, but to establish a legal and institutional approach that treats freedom of expression as the rule, criminal restrictions as exceptions strictly defined by law, and effective avenues for justice and civil accountability as essential safeguards.

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