



Summary of the media law proposal presented by Maharat Foundation and the outcome of relevant discussions within the parliamentary committees

The new media law proposal aims at keeping pace with current development at the level of regulating media institutions, and ensuring wider protection for freedom of opinion, expression, and media in a democratic society.

Reaching these goals required reviewing some scattered legislative texts dealing with media sector that were issued on different dates, some of which were not compatible with freedom of opinion, expression, and constitutional values.

A media law proposal was drafted by MP Ghassan Moukhaiber, Maharat Foundation, legal and media experts from different media institutions, along with reference to comparative studies and international experts.

The major amendments included in the current media law are as follow:

1. Regulating the ownership of media institutions and the transparency of their administration, work, and funding.
 - The media law proposal allowed media ownership by any natural or legal person who live in Lebanon, despite the nationality of this person; Which constitutes an amendment of the current law, that limited the ownership of licenses for political prints to Lebanese natural persons and Lebanese companies. New obligations were included in relevance to transparency in ownership and funding through a special register that can be accessed by the public. The aim of these provisions is to provide an opportunity for the public opinion to know the identity of the owners and managers of the media institutions, their sources of funding and editorial policies.
2. Regulating various media activities especially printed press, TVs and Radios, and online press

The media law proposal eliminated the obligation to obtain a license from the minister of information to issue a daily newspaper, it also eliminated the limitation of number of political newspapers that can be issued in Lebanon. The media law proposal replaced the licensing system by a factual certificate (notice of recognition), which allows issuing periodic prints without prior licensing or financial deposit, with just providing the information required by the ministry of information according to a system similar to that applied to associations.

As for the TVs and Radios, the media law proposal eliminated the power of the government in providing licenses which was based to political criteria, and limited this authority to the governing body of this sector, while ensuring the independence of that body and the right to appeal their decision in court. The law proposal gave this independent body the right to regulate and distribute the frequencies and the authorization to use them by



TV and radio stations according to the book of terms defining the rights and obligations of each party.

As for the online press, the media law proposal prohibited any kind of prior licensing obligation, and kept online press only subject to transparency and accountability applied on all sorts of media institutions.

3. Regulating the consequences resulting from media activities in all kinds of media, especially the right of reply, publication crimes, criminal and civil liability, and rules of procedures.
 - The proposed law adopted the abolition of imprisonment and jail penalties for all issues related to freedom of opinion, disregarding the mean whether in oral or written speech, or through the use of broadcast, TV, radio or online, or through social media and other. Furthermore, the proposed law widened the notion of the public figure that can be criticized.
 - The proposed law adopted a precise formulation of provisions related to prosecution in cases of disturbing the public peace and inciting sectarian strife through eliminating vague definitions that can be interpreted differently, and linked these provisions to the necessity of proving bad faith and an actual damage.
 - The proposed law considered any incitement, discrimination or violence to reasons related to gender, race, religion, or ethnicity through any media platform regulated according to the proposed law is a crime and the person is persecuted based on the complaint of the damaged person.
 - The proposed law amended the provisions related to the cautionary arrest of media workers even if they were not journalists registered at the syndicate. The proposed law banned the cautionary arrest and the calls for investigation by police officers of any person in issues related to freedom of opinion and expression. Maharat considered in its proposal that any defendant can be represented by a lawyer without attending trial proceedings.

The legislative path of the proposed law within the parliamentary committees:

The proposed law was registered in 2010 in the parliament where it was discussed within the committee of information and communication who finished reviewing it the end of 2016.

The information and communication committee gathered along to Maharat's proposal many other proposals and recommendations presented by the former MP Robert Ghanem, the national audiovisual council, press and press editors syndicate, censorship department at the Lebanese general security, and the ministry of justice to reach its final version.

Maharat followed thoroughly the discussions inside the committee through meetings with its president and members and presented many written memos and legal arguments to put pressure



towards adopting the amendments included in the initial Mahrat's law proposal. This led to many changes in the draft law within the committee more than once due to flagrant restrictions on media freedom.

At the end of the discussions, the information and communication committee adopted some of the proposed amendments presented by Maharat, and dropped others in favor of the traditional and authoritarian approach in dealing with issues of opinion and expression.

The major amendments adopted:

- The principle of free establishment of news websites has been adopted and news websites will not be subject to any kind of prior approval or licensing.
- Principle of good faith in defamation crimes against public officials has been included.
- A new obligation has been adopted for wider protection of journalists where the relevant administrative bodies should cooperate with the court to facilitate access to information as evidence for journalists in the cases filed against them related to acts of corruption and waste of public money.
- The amendments related to transparency obligations in the administration and funding of any media institution were adopted.
- Providing the national audio visual media council with executive powers rather than its current consultative powers.
- Articles related to the the improvement and efficiency of the right of reply for different media institutions were adopted.
- Adoption of a new chapter related to opinion polls through media institutions.
- Adoption of a new text limiting incitement, racism, discrimination and hatred.

The main restrictions included in the proposal of the information and communication committee:

- The committee included the requirement of a prior license for Online TV and radio broadcast and a fee of five hundred million Lebanese Lira is subject to first category licensing.
- The committee refused the issuance of printed press based on factual certificates and replaced the licensing system with that of pre-authorization and a fee of 300 million Lebanese Lira to issue daily political prints.
- The committee limited the right to issue prints only to Lebanese. The committee granted the right to Arab citizens and not other foreigners to own a share of maximum 20% of the capital of TV and radio stations.
- The committee re-established the prior censorship of the general security on leaflets.
- Expanding the scope of media crimes by making them subject to the current penal code.



- The committee refused to widen the concept of public official to include public political, economic, artistic, social, sports, and religious figures.
- The committee kept imprisonment for journalists in publication crimes.
- The committee kept the old provisions related to crimes disturbing public peace and national security through vague definitions that restrains freedom of opinion and expression without linking it to the concept of ill will.
- The committee kept the powers of public prosecutors in calling journalists and activists for investigation either directly or through the cybercrime bureau, or the judiciary police before transferring them to the publication court.

Today, the administration and justice parliamentary committee started reviewing the draft law as adopted by the information and communication committee and held its first session in this regard in October 2018. Maharat had met previously the president of the committee MP Georges Adwan and provided him with written comments about the draft law being discussed within the committee, and presented new amendments that would increase the guarantees to enhance media freedoms, hoping to take them into consideration before referring the proposal to the general assembly to be adopted as a valid law.