

The Arab NGO Network for Development's Position on Lebanon New Media Law

The Lebanese Parliament passed the new Media Law following a lengthy legislative process that spanned several years. This was a long-awaited step toward modernizing the legal framework governing the media in Lebanon, in light of the major changes the sector has undergone, particularly the expansion of digital media and social media platforms and the changing nature of journalistic work.

The new law represents significant progress compared with previous legislation, particularly in terms of limiting custodial sentences and pretrial detention in publication-related cases, strengthening the protection of journalists and their sources, regulating digital media, establishing the right of reply and correction, enhancing transparency in the ownership and financing of media institutions, and establishing a National Media Authority.

However, the importance of these reforms does not eliminate certain shortcomings that require attention, particularly since media legislation should be grounded in the fundamental principle that freedom of opinion and expression is a right, and that any restriction on it is an exception that must be precisely defined and subject to the principles of necessity and proportionality.

In this context, Article 104, particularly paragraph (b), is of particular concern. This paragraph criminalizes anyone who deliberately fabricates misleading information and publishes false and harmful news. It undermines the core of the proposed reforms and almost nullifies them, since false news will, in many cases, constitute forms of defamation, thereby reopening the door to criminal prosecution and custodial sentences in publication-related cases, despite the general principle established by the law of limiting such penalties. It is therefore necessary to repeal this paragraph.

Article 105 also requires attention, particularly its first and second paragraphs, which exclude from the scope of the Media Law the criminal provisions concerning libel, defamation and contempt contained in the Penal Code, specifically the Fourth Subsection (Articles 385 to 389) concerning libel and defamation, and Articles 292 and 293 concerning the insulting of a foreign head of state. This omission creates a genuine contradiction between the Media Law and the Penal Code: the same conduct remains criminalized under the criminal provisions of the Penal Code while being treated as civil matters under the Media Law. This undermines the rationale and legislative purpose of the law and creates uncertainty for the judiciary in applying it. It is therefore necessary to add these provisions to the list of exceptions set out in the first and second paragraphs of Article 105, in order to avoid this contradiction.

As for the National Media Authority, its establishment is a positive development, but its genuine independence will depend on the mechanisms for its formation, the selection of its members, its funding, and safeguards ensuring that it is not subject to political or sectarian power-sharing. What is needed is a genuinely independent authority, not merely the addition of another institution to a state apparatus subject to the prevailing balance of political forces.

The transparency provisions relating to the ownership and financing of media institutions should also be strengthened so that they extend beyond direct legal ownership to include disclosure of the ultimate beneficial owner and principal sources of funding. This would help the public understand the political and economic interests that may stand behind media institutions.

The adoption of the new Media Law represents an important reform step that should be built upon rather than underestimated. However, the adoption of the law does not mean that the debate surrounding it has come to an end. Modern legislation, particularly legislation relating to fundamental freedoms, requires continuous review in light of its implementation and international human rights standards.

Accordingly, the task today is to build on this achievement through targeted amendments that ensure the removal of custodial sentences in cases involving opinion and publication, precisely define the exceptions allowing for criminal proceedings, provide equal protection for freedom of expression, guarantee the independence of the National Media Authority, and strengthen transparency in media ownership and financing.

The purpose of a modern Media Law is not merely to protect the media, but also to protect society's right to know, citizens' right to express themselves, and journalists' right to perform their watchdog role without fear, within a clear framework of responsibility and accountability and with respect for the rights of others.