



Summary of UNESCO's Suggested Amendments to the July 2021 Draft Media Law Prepared by the Parliament of Lebanon

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on behalf of UNESCO

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The Legal and Administrative Committee of the Parliament of Lebanon has been working on a new Media Law to update the current 1962 Publications Law and 1994 Radio and Television Broadcasting Law, with the latest version dating from July 2021. As part of its cooperation with the Parliament, UNESCO has, with the support of international and local legal experts, and following extensive consultations in Lebanon in September and December 2022, prepared some suggested amendments to the draft Media Law.

This Summary outlines the key changes to the draft Media Law that UNESCO is suggesting. It focuses on the more substantive changes although UNESCO did also propose a lot of tightening up language.

The definitions were revised so that they focus on the mass media, as traditionally understood, to the exclusion of social media and private websites. While countries around the world are seeking to regulate especially social media, this is not the proper subject of a media law. Duplicate definitions and those which were not actually relied on in the text of the media law were removed.

A new article was added setting out the overall objectives of the Media Law, such as to promote freedom of expression, and to encourage a robust and creative national media sector in Lebanon, among others.

The rules on concentration of ownership were amended to allow one individual to control a broadcaster (as is already the case in practice despite the formal 10% ownership limit) but to restrict the level of control to one television and one radio station. Similarly, foreign ownership of broadcasting outlets by one person was allowed up to 20%. A rule on transparency of funding sources for the media was added and the conditions on directors of broadcasting institutions were removed.

A new Chapter Four was added to Section Two on Licensing of Broadcasters. This established the main framework of rules for licensing of broadcasters, which shall mainly be done on a competitive basis, subject to a Licensing Plan which maps out the target number of broadcasters for developed media markets. An exception to this was for licences for small community broadcasters which might be issued on an *ad hoc* basis. Ownership of licences for distribution services and broadcasting (content) services was separated, except for analogue terrestrial

distribution (now limited to radio), with anyone who currently offers both types of services given two years to remedy the situation. Basic procedures for licensing competitions, including criteria for deciding between competing licence applications, were set out. A system whereby the Authority can use the licensing system to promote the dissemination of more public interest content (education, children's programmes and so on) was added to replace the previous requirement of broadcasting just one hour per week of this sort of content. Instead of setting out specific fees for licences, the rules were amended to allow for licence fees to be set by regulation upon the proposal of the Authority. A fairly detailed regime governing licence conditions was provided for. In some cases, such as the period of validity for different types of licence, the conditions were set out directly in the law. In other cases, licence holders and the Authority were given the power to propose additional licence conditions.

The system for registering press publications, in Chapter One of Section Three, was revised to make it clear that it is a technical registration process and that registration may only be refused where the requisite information is not provided or the proposed name of the press publication is the same as an existing publication. The fees were also substantially reduced so as to cover the administrative costs of the system but not more than that. Other rules for press publications were simplified to reflect a more modern approach to regulating this sector. Professional electronic newsletters, now limited in scope to proper news outlets that operate online, were subjected to the same regime as other press publications, including as to the director and other matters.

The rules on depositing copies were limited to press publications and the scope of the obligation was limited to the National Archives and the National Library, reflecting the purpose of such obligations as being to maintain a national repository of this material for historical purposes. The rules on digital messages service providers were removed as these sorts of entities do not qualify as mass media.

Overall, the regime of sanctions envisaged in the law was tweaked to ensure that a range of sanctions, which might then be appropriately tailored to the nature of the offence, was available. For example, for breach of the rules on providing registration information, which is often a relatively minor offence, were amended from revoking the licence to warnings and fines.

One area where significant changes were made was in terms of the composition and rules relating to the Media Regulatory Authority (Authority). As before, the members are all appointed by Parliament, although a broader range of organisations are empowered to nominate members, such as the Bar Associations of Beirut and Tripoli, the Order of Engineers, the Editor's Union, civil society groups, academics and the National Council for Lebanese Women. Each nominating body proposes two candidates and Parliament then narrows that down to one. Clear and strong rules on conflicts of interest were introduced, along with stronger prohibitions on those who may not be appointed due to their political affiliations. Termination of membership would be initiated by a two-thirds majority vote of the other members of the Authority and finalised by a decision of the Council of Ministers.

A number of other rules were also added or adapted in relation to the Authority. It was given the power to establish a Secretariat, in accordance with its approved budget. Far more detailed rules on meetings were added, in line with better practice for the establishment and operation of administrative bodies. Clear rules on compensation for members were provided for, set at one-half of those received by a senior civil servant for the chairman and one-quarter for the

other members. A requirement to publish an annual report was added, with some detail provided as to what it should contain. The rules on the budget were also tweaked to provide for the Authority to propose its budget to Parliament via the Minister of Finance.

A new Section Seven: Administrative Complaints was added. This would be overseen by a Council of five experts appointed by the Authority and have the authority to prepare a Code of Conduct for the media, in consultation with the media institutions, journalists, and other interested stakeholders, and then to enforce it. The law lists a number of issues which are to be covered by the Code, some of which were then withdrawn as media crimes, such as the one on fake news, which would instead be addressed as a duty to strive for accuracy in the Code. Section Seven provides for members of the public to make complaints about breaches of the Code and for the Council to decide on such complaints. Penalties for breach of the Code range from public warnings to requirements to publish a statement by the Council to fines. Before bringing a legal case against a media outlet for a matter covered by the Code, it is first necessary to lodge a complaint with the Council.

The rules on opinion polls were simplified and the prohibition on publication of “negative polls” has been removed as it does not align within international guarantees of freedom of expression.

In terms of media crimes (Section Eight), a rule on protection of the secrecy of journalists' confidential sources of information was added. A requirement of intent was added to the providing on incitement to racism and discrimination. As noted above, the provision on fake news was removed. Regarding defamation, the special provisions relating to officials were removed as they are directly contrary to clear international standards. And a number of standard defences to a claim of defamation, such as proof of truth or reasonably held opinions, were added. The other crimes were limited to reflect the new idea of an administrative system of responsibility under the authority of the Council, although a number of crimes were retained so as to ensure that more appropriate penalties are imposed on the media should they perpetrate these sorts of crimes.

A right of correction was added to the right to respond, given that it represents a more appropriate remedy in many cases. The scope of the right to respond was limited to cases where the publication of incorrect factual material by a media outlet breaches the legal rights of a natural or legal person, and some of the conditions for publishing a response were tweaked to make them more realistic.