

**FREEDOM OF OPINION AND EXPRESSION  
IN LEBANON  
2008**

REPORT By THE NATIONAL OBSERVATORY  
Of THE FREEDOM OF OPINION AND EXPRESSION

**MAHARAT FOUNDATION**

## PREFACE

The National Observatory of the Freedom of Opinion and Expression issued its annual report for 2008 on the freedom of opinion and expression in Lebanon<sup>1</sup>. The report reveals the continued deterioration of the reality of the media outlets and reveals major difficulties from which these media outlets suffer, as well as wrong practices which affect the standard of this career and limit the positive role it should eventually play. The results of the report seem to be very alarming and pose many questions on the course these media institutions follow, in addition to the threat they pose to the country and society in general.

This report reveals that a large group of the journalists have come to conclude that today; journalism lacks objectivity and freedom in Lebanon. They also affirm that they are exposed to many pressures that hinder them from fulfilling their job. These journalists say that they encounter much harassment and point to their difficult living circumstances and to the absence of the union immunity. This shows the difficult work circumstances they face at their institutions.

This terrible reality at work complies with the studies on the rhetoric that governs the majority of the media outlets and which has become a violent and provocative rhetoric, thus fomenting conflicts and sedition. As such, the media outlets have become part of the propaganda and military machine of the political forces. These media outlets have turned into promotional tools and abandoned their *raison d'être*: they are responsible for broadcasting news, criticizing, and educating people. .

The report also presents a table of the assaults staged against the journalists during 2008. It further includes a detailed explanation of the Lebanese media laws showing how they contradict with the principles of the press freedoms. For example, these laws restrict the freedom to publish newspapers and practice censorship on foreign publications before they enter Lebanon. In addition, these laws lack a decree that allows the access to information sources as well as other deficits.. Furthermore, the report attempts to examine the reasons that weaken the competitiveness of the Lebanese media, thus depriving it from the uniqueness it has enjoyed over the past decades.

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<sup>1</sup> This Observatory that is launched by MAHARAT Foundation in collaboration with UNESCO regional bureau in Beirut two years ago, aims at monitoring the situations of the freedom of opinion and expression in Lebanon, in accordance with the provisions of Article 19 of the international announcement of human rights..

This report is the result of field researches that included journalists and media outlets. It is a result of daily monitoring of the existing work circumstances and analytical studies of the legal, political and social elements that govern the freedom of the press.

### **First: The reality of the Media Freedom in Lebanon**

In order to evaluate the reality of the press freedom in Lebanon, the Observatory conducted two different studies:

The first study polled the opinions of the journalists on the circumstances of their career in order to draw conclusion on the reality of press freedom in Lebanon and how are the journalists experiencing these freedoms. The second study aims at assessing certain indicators that represent a criterion for the freedom of the press in any society.

#### **1- Polling the journalists' opinion**

MAHARAT's Observatory conducted an opinion poll for 61 journalists who work at various Lebanese media outlets, in a bid to identify their assessment of the reality of the Lebanese media today. The participants in the poll were requested to answer two forms of questions. The first form concerns "self-censorship, objectivity, media orientation and immunity". The second form addresses the "right to access official information, protecting the sources, freedom of coverage, judicial prosecution and sanctions, attacks and tyrant activities"<sup>2</sup>.

This field study reveals serious defects in the practice of journalism. 100% of the participants responded "no" to the following question on their evaluation of the reality of the Lebanese media: "In your opinion, does the press in Lebanon enjoy independence, objectivity, and impartiality?" This serious result reveals that the journalists are aware that a problem exists in this regard and indicates that a relevant remedy is likely in the future.

Another question focuses on the commitment of the journalists to self-censorship. This question has also ensured the flaws in exercising this profession, as 90% of the participants said that they abstained from addressing certain topics. Self-censorship is like red-lines which the journalist is afraid to overpass. He may

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<sup>2</sup> The interested researchers in this study may go in greater depth and review the details by referring to the forms kept at MAHARAT Foundation.

remain silent on significant matters in the society, such as corruption or plundering the public treasury or other significant social affairs for fears of encountering problems. This means that the freedom of opinion and expression of the journalists is restrained.

It becomes clear that caution prevails among the journalists when answering the question on the extent of “the freedom of moving and coverage” they enjoy and whether they have been prevented from moving freely during carrying out their job. Around 42% of them said that they have been exposed to such prevention. This percentage is very high and requires reactions by the official authorities to secure the journalists' job. At the same time, it requires reactions by different press institutions to secure the freedom of the movement of their reporters.

The answers to other questions reveal a great deal of misery experienced by the journalists, particularly with regards to the living standard and the social services provided by their employers including their salaries. Responding to a question on whether the salary they receive is “sufficient to provide a decent life”, around 67% said that their situation in this regard is very “bad”. Around 19% said their situation is "average" and around 13% described their situation as “good”.

Here also the problem seems very serious, because financial satisfaction through a decent salary is one of the fundamental rights of any employee and particularly the journalist, in order for him not to resort to other sources to secure his needs and in order for him to maintain his integrity. Fighting corruption in the media institutions begins by providing the journalists with the necessary needs and sufficient salary that they deserve.

It appears that the journalists are desperate from the situation of their union which is supposed to help them attain their rights. With respect to the question on how much they trust their union and its efficiency in defending their rights, around 86% of them said that the situation of the union is “bad”. This frustration with the union should prompt the journalists to make actions to improve the circumstances of their representation in the union in its capacity as a fundamental mean to ameliorate their work circumstances and raise the standard of their career.

Upon responding to another question on the professional immunity the journalist must enjoy and whether he feels that someone is looking after his interests and defending them, the journalists seem to be having hard times. Around 72% of the answers were negative, thus revealing the lack of professional guarantees and ensuring the unstable work conditions of the journalists.

This opinion poll reveals a significant aspect of the journalists' professional life in Lebanon: the journalists are not well acquainted with the laws that regulate their profession. With regard to the following question: Is there any law that secures your right to access official information? The answers should have been "NO", but they were divided into three main directions: 18% said "I don't know"; 20% said "YES"; 62% said "NO".

Another question that has a legal aspect was: "In your opinion, does the Lebanese law protect the information sources?" Here, again, three main directions appeared and the answers ranged between "YES" and "NO" and a significant proportion said "I don't know".

These answers reveal that the journalists are not provided with sufficient legal information to know their existing rights and regulations. This requires actions and movements by the media institutions or the civil society organizations to organize training sessions in such fields.

## **2- Monitoring the indicators**

The study of the indicators aims at measuring the extent of the press freedom through studying several elements that constitute the foundations of the press freedom. By assessing such indicators altogether, we can deduce the extent of freedom given for the media outlets. 24 indicators have been determined that constitute the basis for the press freedom in the society in general.

The indicators are determined on the basis of two rules:

The first rule rests on arranging the indicators as per their importance and according to the opinion polls.

The second rule is based on arranging them according to the consultancies made by those in charge of the observatory. These indicators are measured through field observation conducted by the MAHARAT Foundation in the framework of monitoring the press freedoms on the ground, and through polling the opinions of the journalists who work in various Lebanese media institutions. The overall score of these indicators contributes to measuring the extent of press freedom in an ascending order from 0 (the best) to 100 (the worst).

### **The table of indicators:**

The following table shows the indicators of measuring the press freedoms that appear consecutively by order of their importance, starting from the most important to the least important. The overall score of the points is 100 assessed as follows: between 0 and 30 points: Free; between 31 and 60: partially free; and between 61 and 100: Not free.

Indicators	Realized Measurement rates	Total points	Number of achieved points
Constitutional guarantees	The Constitution completely secures the freedom of opinion and expression 0%	9	0
Basic Legal restrictions that obstruct the freedom of opinion and expression <sup>3</sup>	None 0%	8	0
Physical and moral attacks	The Observatory recorded 33 attacks during 2008, which overpasses the allowed limit <sup>4</sup>	6	6
The policy of impunity	During this period the State failed to practice accountability in a complete manner	6	6
Prior censorship <sup>5</sup>	The Observatory cited four legal violations	6	4
Closure or suspension of a media outlet	No attack has been cited	5	0
Penal sanctions for criticizing the public	Six verdicts of penal sanctions are recorded against journalists who evoked subjects of public interest.	6	6
Distribution of ownership of the media (quota-system)		4	4
The performance of the Judicial Authority	The political interferences hinder the work of the judiciary	4	2

<sup>3</sup> The basic legal restrictions mean the ones that basically obstruct the freedom of opinion and expression such as the prior control on the local journals, the programs, news and the political programs or the exclusivity of the Medias by the State Institutions and other basic restrictions.

<sup>4</sup> See the published aggressions schedule in this report.

<sup>5</sup> The prior control in Lebanon is exercised on the foreign journals, films and theaters in addition to recorded CDs and tapes incoming to Lebanon .

Comprehensive coverage and pluralism	Partial 30%	4	3
Freedom of the ordinary persons to own media outlets	Partial freedom obstructed by the quota system and the restriction of the number of political publications	3	2
Financial restriction to establish media outlets	There are no key financial restrictions	3	0
State financial seductions to media institutions	None	3	0
Major professional restrictions obstructing the practicing of journalism	None	3	0
Transparency in the work of the media institutions	None	2	2
Subjects that are not allowed to be addressed completely	None	2	0
	Total	100	52.3

Measurement of some indicators of the Press Freedom according to the results of the opinion referendum:

Indicator	Realized measurement rates			Points total
Self-censorship	55 yes 90.2%	6 no 9.8%		2
Efficiency of the Union organization	54 bad 88.5%	3 medium 5%	4 good 6.5%	2
Professional immunity	44 no 72.1%	17 yes 27.9%		4
Social securities	41 bad 67.2%	12 medium 19.7%	8 good 13.1 %	3
Independence and objectivity	61 no 100%			4
Freedom of access to information	37 no 60.6%	13 yes 21.3%	11 I don't know 18.1%	6
Sources	23 no 37.7%	29 yes 47.5%	9 I don't know	2

protection			14.8%	
Freedom of coverage and moving	26 no 42.6%	35 yes 57.4%		3

*Classification of the Press Freedom in Lebanon for the year 2008  
According to the indicators issued by MAHARAT Foundation:*

**Result: 52.3 points, i.e. Partially Free**

It appears from the table arranged by the Observatory that the freedom of the press in Lebanon for 2008 - according to the said indicators - is “partially free” as it realized 52.3 points, which means that it falls at a rank between 31 and 60 points that is considered as a medium grade. i.e. below grade “free” (61 to 100 points), and above grade “Not Free” (0 to 30 points).

By reviewing the indicators, it clearly appears that the rank “Partially Free” is realized thanks to the legal indicators: The constitutional guarantees, the lack of legal restrictions, and abstaining from closing or suspending any media ...However, the field indicators are negative. This shows the contradiction between the legal reality that stresses and secures press freedom and the practices of various parties concerned with the media sector that are inconsistent with the essence of this freedom. .

**Second – Violations of the freedom of opinion and expression**

The Observatory cited many violations of the freedom of opinion and expression that include various attacks that obstructed the work of the journalist, intimidated him, and prohibited the public from accessing information, in addition to the legal sanctions against the journalists over matters pertaining to leaders, or to the censorship practiced by the authority on publications or art pieces.

**1. Monitoring the attacks against journalists**

The following table shows the nature of attacks against the journalists and the freedom of Press during 2008; they have been monitored by MAHARAT Observatory:

<b>Nature of aggression</b>	<b>Classification</b>	<b>Number</b>
Physical attack	Shooting and beating	10
Moral attack	frightening and intimidating	5
Moral attack	Threatening	1



Violation of the freedom of coverage	Prohibition of coverage	5
Violation of the personal freedom	Illegal detention	4
Legal sanctions	Verdict of a penalty and replacing it by detention in case of failing to pay in legal actions related to the defamation of public persons	6/6
Legal attacks	Prior censorship on foreign publications	2

This table is the outcome of efforts to monitor the violations that went out in the open. The Observatory accompanied them with an alert campaign through monthly reports to condemn such violations and draw the attention to the related risks on the democratic life.

## 2. Monitoring the violations of public freedoms

However, the Observatory reports are not restricted to the attacks against the journalists, but it includes various forms of violations of the freedom of expression that is secured by the Lebanese Constitution and the International Charters, such as the “right to demonstration and assemblage”, in the wake of the conflict between the Labor Federation and the Governor of the city of Beirut over the demonstration that was scheduled for May 7, 2008. The statement of the Observatory mentioned that “the regulation of the right to hold demonstrations upon a decision No 352 issued by the minister of interior on February 13, 2006 is unconstitutional and breaches the public principles that requires the issuance of a law in this regard.”

The Observatory has also responded to the position of the Lebanese judges, following the general assembly they held on July 17, 2008 since its resolutions targeted some media outlets. The judges asked "the Public Prosecution to take immediate measures against and pursue anyone who offend the judiciary as an authorities or the judges in their persons in files and actions, regardless of their position or immunity he enjoys thereof”.

The Observatory commented on the position of the judges saying that “it constitutes an offense against the freedom of opinion and expression (...). The Judicial authority and the judges are from the public and occupy public positions, and anyone has the right to criticize them, if such critics are addressed to them by the media outlets as part of their role as public guardian. The right to criticize the

public person is a fundamental principle upon which the democratic societies are based and without which we will enter into a dark tunnel of dictatorship which practices power without any censorship from the people.

The statement of the Observatory emphasized the role of the media to practice criticism “without falling into the trap of committing offenses, provided that this criticism relies on specified conditions. Furthermore, criticism should be hurled at the person over actions pertaining to his job, on condition that the person leveling criticism must confirm the authenticity of such acts or reveal related evidence. Thus, the right to criticism given for the media allows the latter – within the conditions specified above – to use bitter or harsh or fierce terms that do not humiliate the judiciary or the judges. This conforms to the jurisprudences issued by the judiciary in Lebanon and throughout world”.

However, the Observatory never criticized the media outlets when they breached the spirit of their mission or they violated the professional values or failed to fulfill their role in serving the public. It cited "a number of indicators and violations and flaws in the work of the media institutions, particularly during the coverage of the bloody events last May and the beginning of June in the capital and elsewhere The Observatory noted that “the media has become a war media that covers the news of fighting, snipers, attacks, the dissemination of rumors and false information as they are part of this military device”. It further notes that "the media outlets differ in covering the events according to its position from the event.” (...).

The statement adds: “the journalist is the eye of the society and he speaks for it. But it is necessary that the media institutions, upon covering the news, should ensure the correctness of the information from various and original sources. They should ensure its credibility before broadcasting and should abstain from delivering any false information or rumors. For this reason, the Information Directorate at the Lebanese Army issued a statement on June 9, 2008 stating that: “the media institutions, particularly the visual ones, cover the security events and clashes that take place frequently, in a very impulsive and exaggerated manner, which provokes security conflicts elsewhere, at the time such news are mere rumors”<sup>6</sup>.

### **Third: flaws of the Lebanese Media**

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<sup>6</sup> You may refer to the reports of the National Observatory of the Freedom of Opinion and Expression through newspapers or to visit the website of MAHARAT Foundation.

The severe confessional and political division that ravages the entire institutions of the Lebanese social society strongly reflects on the media institutions. In spite of the rich liberal media that prevails in Lebanon, the media still remains exposed to several factors inside the society. These factors put it ahead of its contradictories and limit its success and hinder its progress and development. Such factors are namely:

### **1. The political and confessional divisions**

The context and application of the audiovisual Media Law had negative effect. It consecrated the distribution of broadcasting licenses according to a quota system between the political and confessional forces that continued during the postwar stage the mobilization and provocation through modern and complicated information techniques. As such, every press institution had its own dogmatic, confessional, political and commercial objectives and purposes without any common culture or general policy.

### **2. The financial crisis**

The Arab satellite channels that developed and spread quickly, with them enjoying large technical and financial capacities, constituted real competitor for the Lebanese local channels. The challenges posed by the technological and information revolution require huge capitals for the modernization process in addition to the high production cost that are unaffordable for the small institutions, such as the large-scale news coverage. Consequently, the local production slumped and the Lebanese institutions increasingly relied on programs manufactured abroad.

In addition, the decline of the domestic advertisement market during the last few years lead to a decrease in the income of various media institutions, which further aggravated the crisis. The Lebanese media sought to find funding sources that enable it to develop its technical capacities and maintain its competitive role. Thus it diversified its funding sources, which ranged between domestic and foreign sources, in addition to the funding of the media institutions or through increasing the capital by selling the shares of the institutions. This has led to the domination of the political money over the press in Lebanon, while the political propaganda and the concern to make profit were at the expense of the press mission and its content.

### **3. The declining professional role of the journalists**

This overlap between the media and politics and business and the difficulty in separating them, left a great impact on the work of the journalist and on his means to make a living. In addition to his professional role, the journalist is exposed to the equation of supply and demand and to his ability to secure significant revenues for his institution through his job. Thus "dealing with the journalist depends on the financial revenues his work will secure for the media institution and on how much he is accepted by the public<sup>7</sup>". This exerts on him a number of pressures of various and contradictory dimensions that influence his decision and independence.

This situation ultimately weakens the journalists and curbs their efficiency and ability to launch media campaigns that aim at forming a public opinion on the public policies or public interests; not to mention the weakness of the professional institutions and unions which should regulate the work of the journalists and protect them from all these pressures and enticements and disagreements. Hence, the need for democratic unions arise, ones that represent the journalists and defend their professional demands and enhance the career of journalism and contribute to establishing an efficient and independent media environment..

### **4. The deterioration of the mission of the media**

The media institutions have consecrated the vertical division of the society after they became direct extension of the political and confessional parties, particularly since 2005. This was reflected on the mission of the media. For instance, the level of its content has remarkably declined, while programs that address the interests and concerns of the citizens and public policies have deteriorated. Politics and the speeches of the politicians overshadow the news bulletins and programs. As far as the news and political programs are concerned, they have become mere means to ease the political tension of the viewers, as they failed to form a public opinion that practices accountability. "The dialogue sessions that relay different points of view are restricted to political amusement. This is undoubtedly an important role, but it differs from political accountability in its strict sense ".

Media pluralism did not promote human rights and public freedoms and the role of women and youths as it is supposed to do. It did not further reflect a diversified expression of the political, social and economical ideology. This reality

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<sup>7</sup> Declaration of the journalist Georges Ghanem. Middle East, October 15, 2006, article 10183.

creates contradiction at the level of the media institutions between two missions: A popular and provocative mission that occupies the greatest space and a public and educational mission that occupies the smallest space. In fact the "sober" and objective programs are presented outside the framework of the peak hours, while the political talk shows that decrease the level of political culture and political rhetoric and deteriorates the values of dialogue and the accepting the other, have altogether contributed to decreasing the level of political media.

#### **Fourth: Hindrances to freedom in the Lebanese Law**

Upon reviewing the legal texts pertaining to publications in Lebanon, it appears clear that there are many restrictions on the freedom of expression and printing that do not serve any legitimate interest in a democratic society such as the Lebanese one, and are in contradiction with the broad concept of the freedom of opinion and expression stipulated by the international charters that Lebanon ratified and rendered as compulsory. We herein mention some legal gaps of the freedom of publications in Lebanon:

##### **1. Restriction on the freedom of publication**

The Lebanese law restricts the freedom to issue, publish, and sell newspapers. The decree No. 74, issued on 13/4/1953, limits the number of the political periodical publications that may be published on the Lebanese territory to 25 daily political publications and 20 provisional political publications.

##### **Licensing newspapers, publishing houses, and libraries**

Article 1 of the Lebanese Media Law issued on 14/9/1962 stipulates: "the printing press, the press, library and publishing and distribution houses are free and such freedom shall only be restricted within the scope of the public laws and the provisions of this law". However, the Media Law has hindered this freedom by subsequent articles that obstruct the exercise of such freedom. Article 27 strictly prohibits the release of any publication without a prior license from the minister of information upon consulting the Press Union. Under Article 12, no one shall own or manage a printing press without informing the Ministry of Information.

On the other hand, we see that most democratic countries have cancelled the licensing system when it comes to issuing newspapers, and granted freedom to issue, publish, distribute, and sell newspapers without any major restrictions.

The condition to obtain a prior license is seen as an obstacle and arbitrary restriction on the freedom of opinion and expression.

## **2. Censorship on the foreign press**

Article 50 of the Media Law stipulates that the minister of information may decide to prohibit the entry of any foreign publication to Lebanon and confiscate its issues.

In principle, the right to withhold or confiscate any mean of freedom of expression is restricted to a decision issued by the independent judicial authority, not the political authority which might tyrannically use this right in accordance with its interests. In addition, the Lebanese General Security departments exercise prior censorship on the foreign publications citing texts mentioned in the annex of the budget law of 1998 that authorize them to collect fees. We mention for example the censorship exercised of the Lebanese General Security on the magazine "Le Monde des Religions." The General Security tore two pages of the magazine to allow its distribution in Lebanon<sup>9</sup>.

The exercise of this prior censorship breaches the general principles especially since it is practiced without referring to any explicit legal text that permits it. Even in case such legal text exists, it is unconstitutional and violates the laws and international charters.

## **4. Penalty of imprisonment in cases related to publications**

The Lebanese Media Law identifies the crimes committed through breaching the rules of publications, and identifies the penal sanctions including fines and imprisonment. It further refers to the Lebanese penal code for determining the penalties of the acts that are not expressed by the Media Law.

In principle, anyone who expresses his opinion in any mean shall not be imprisoned. No journalist in Lebanon has been sentenced to imprisonment for a long time. This means that the penalty of imprisonment stipulated by some articles which sometimes reaches two or three years is not really applied. In addition, the modern concept of punishment is deterrence and reform, not punishment itself.

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<sup>9</sup> AL NAHAR Newspaper of 21/1/2008

### **3. The absence of a law to ensure freedom of access to information**

The bill prepared by the Lebanese Ministry of the Administrative Development is yet to be issued. This bill pertains to the right to access information and determines exactly what should be accessed and what shouldn't. The presence of this law is very necessary to implement one of the basic principles of the democratic regime: Questioning and Accountability. Questioning requires knowledge and access to information.

### **4. licensing the audiovisual Media outlets**

Since licensing the audio-visual media outlets, both local and satellite channels, is a right restricted to the cabinet, the licenses are exposed to the political and sectarian quota system. The right to license these media institutions should be limited to the National Council of Information which grants licenses once the required technical and legal conditions are met.

### **5. Appointing the National Council of Information and its powers.**

The mechanism to select the members of the National Council of Audiovisual Information makes these members submissive to politicians and prevents them from carrying out an independent work. Furthermore, the existing law grants the Council a consultative role, not a decision-making one. Besides, the council did not place the necessary human crew and technical facilities at its disposal to carry out its job in an efficient manner.

### **6. The Arab Satellite Broadcasting Charter**

On February 12, 2008, and upon the request of Egypt and supported by the Kingdom of Saudi Arabia, The Arab information ministers ratified during their meeting held at Arab League headquarter in Cairo “the principles of the regulation of satellite broadcasting and reception in the Arab world” upon a document signed by the Arab information minister. The Qatari minister alone expressed reservations over this document.

This document, signed also by the Lebanese minister of information, places new restrictions on the Lebanese satellite channels, violates the freedom of opinion and breaches the constitutional principles and conventions that are ratified

by the Lebanese parliament, namely the international convention on political and civil rights. The Arab information ministers as well as the Lebanese information minister failed to notice that the freedom of opinion and expression shall only be restricted by a legal text issued by the Lebanese Parliament or upon a convention ratified by this parliament, or if these restrictions serve legitimate goals and the public interest of the people<sup>10</sup> .

### **Fifth: The Media institutions are tools in the conflict**

The Lebanese media outlets seem to be very far from the role they are supposed to play. While they should serve as a space for freedom and dialogue between the constituents of the society, repudiate violence, preserve the civil peace and the cohesion of the society, they are exercising a completely opposite role, with them representing the first tool of the conflict between the political, sectarian, financial, and military forces.

The majority of the studies and articles prepared by researchers did not only confirm the failure of the media to carry out its unifying role within a pluralistic and divided society and establish a public opinion on the basis of the public interest, but also the responsibility of the media in worsening and inflaming the crisis over the past period. During the last few years, the Lebanese media “accepted to be mere reflection of the political and confessional divisions within the society, at the expense of its role in forming and preserving the public space and helping the citizens and individuals to form a public opinion aside from the mainstream opinion and that of the dominant forces”.<sup>11</sup>

The media coverage of the events of May 2008 in Beirut and the mountain is a clear evidence of the deterioration of the Lebanese media especially since most of the media institutions have turned to military tools serving the feuding parties. As such, these institutions were one of the weapons of this war and an extension of the clashes taking place in the street. During this period, Al-Mustaqbal newspaper was stormed before fire broke out in it, Al-Mustaqbal TV's transmission was cut off, and Al-Manar and L.B.C channels' transmission was stopped in some areas in the north.

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<sup>10</sup> MAHARAT Foundation prepares proposal of modifying the Press Laws in Lebanon. It further prepares bill to guarantee the access right to official information.

<sup>11</sup> Dr. Karam Karam. “Lebanese information and problematic of constitution of a public opinion in a divided society”, MAHARAT releases . Beirut 2008 (23 pages).



MAHARAT Foundation has conducted a thorough study of the media rhetoric that prevailed in this period, through reviewing the news bulletins of the local channels and newspapers for 10 days (between May 8 and 17). This study was presented in a twenty-minute documentary and a booklet that show the military course adopted by the Lebanese media and the low level it reached in covering the news.<sup>12</sup>

The media rhetoric that rests on military operations was justified through holding the other side as a traitor and through depicting the military activities as "rescue activities" and portraying the violence staged against the partner in the country not only as acceptable and logical, but also as necessary and legitimate. The calls to liquidate the other, under any pretext, represent the peak of violence and unfortunately some Lebanese media institutions adopted this track.

## **Sixth: Hindrances to the political practice**

### **1- Violence in the political discourse**

The prevailing political discourse in Lebanon is characterized by violence, with it adopting a language that holds others as traitors. This further increases the tension and hinders the language of dialogue that should prevail in any democratic society. . This kind of discourse has accompanied the violent security events that have been engulfing Lebanon since the assassination of late Prime Minister Rafiq al-Hariri in February 2004 and the subsequent assassinations and tense events that took place and divided the Lebanese into two feuding camps. These camps fight each other by heated and provocative speeches and the exchange of insults and slander and accusations of murder and treason.. This has led to tension in the street, which stimulated demonstrations and counter-demonstrations and stirred up some security clashes in many areas between the supporters of both camp thanks to this violent and tense rhetoric. At the beginning of 2008, and due to the political tension provoked by the tense political atmosphere, the political rhetoric stirred up tension in the street. For instance, on January 27, some people took to the street protesting against the power cut-off in Chiah, by burning tires and blocking the road at Mar Mekhael crossroads. The Lebanese Army interfered to disperse the protestors. Fire broke out and claimed the lives of seven protestors and injured more than 50 people, some of whom were serious cases.

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<sup>12</sup> Documentary film, titled: "Picture and Echo", prepared by MAHARAT Foundation, produced by François Ziadeh, booklet title: "Mass Media during May 2008 events: most distant of the event ... and most devastated than the gun" Dr. Georges Sadaka, Dr. Jocelyne Nader, MAHARAT releases, 2008 (23 pages).

Some shootings were heard and seven people of the demonstrators were killed in addition to the injury of more than fifty persons. Some other protestations were seen during the precedent days in several areas with burning wheels and cutting roads.

This event was preceded by "mobile demonstrations" and attempts to cut the roads and burn tires, which further inflamed the street that was about to explode. Other attacks took place among the citizens against the backdrop of political gathering and ceremonies. Whenever a political leader gives a speech, his supporters shoot in the air. This unusual way to express opinions and sentiments and reactions worried the safe people. Many people were victims of these shootings.

## **2- Corruption**

According to the corruptions perception index of 2008 announced by the Lebanese Transparency Association (No Corruption), which is published in conjunction with the national branches of the International Transparency Organization and that covered this year 180 countries including 20 Arabic countries, Lebanon occupied the rank of 102 internationally and the rank 11 regionally while it occupied in 2007 the rank of 99 internationally.

The averages of Lebanon in the corruption perception index were stable among the last ten countries. It achieved 3 points out of 10 in 2008, i.e. the same number in 2007, while it achieved 3.6 in 2006 and 3,1 in 2005. These numbers are below the average of the Arab region (3.49) and less than the international average (4 points)

Within the legal framework, it is noticed that there are no laws for fighting the corruption and securing the right to access official information or ones that secure transparency in exercising power. Political practice is characterized by manipulating the state's institutions and using power to achieve certain interests and distance the public opinion from drawing the public polices, in order to continue to monopolize the public interests and use them to fulfill private or factional interests. .

## **3- The reality of the Lebanese political parties**

The political parties in the democratic countries constitute fundamental pillars for the political action and the exercising of the democratic regime. . In Lebanon, it is noticed that the political parties are yet to make a qualitative leap

that is necessary to renew themselves and suggest programs that establish a genuine partnership in the political action. It is also noticed that the internal mechanism of these parties is still far from a genuine democratic practice in terms of accepting multiple views within the parties and renewing the elites and proposals and programs and abandoning authoritarian methods.

#### **4- The Electoral Law**

The existing electoral law failed to take into account the principles ratified by the National Electoral Committee (Commission of Fuad Boutros), particularly in terms of adopting the proportional representation system and the women's quota and the lowering of the voting age. Although the law includes an article on the right of the expatriates to cast their votes, the government suspended the implementation of this article.

The failure to adopt a proportional representation in the electoral law undermines the freedom of the voter to express his opinion and deliver the message he intends to convey through his participation in the elections and selection of the persons who will speak for him and achieve his hoped-for change. The main reforms noted in the draft electoral law prepared by the National Electoral Committee aim at making a radical change in terms of the electoral cultural in Lebanon, as well as securing the freedom of the individual to express his opinion in a democratic climate that secure the freedom of participation for all people.

#### **CONCLUSION**

The reality revealed by the report on the situation of the Lebanese media outlets is very alarming, particularly in terms of the deterioration of the performance of the media and the freedom of journalists and the worsening of their work conditions and social benefits they receive. This conclusion affects the traditional image of the Lebanese media institutions, which were always characterized by their freedom and role in maintaining democracy. The content of this report raised the following question: What remains of the Lebanese media outlets after they lost a big aspect of their freedom and credibility and after they turned to propaganda means?

Despite the decline in the performance of the Lebanese media since the war in Lebanon, the image that had once prevailed reflects the pride of this media of its distinctiveness and the extent of freedom, pluralism, and diversity it enjoyed, especially since it managed to release itself from the restraints of the official

power in the country, as the case is with the majority of media institutions in the Arab world.

However, the results of the opinion poll cited in this report revealed the real image of the Lebanese media institutions, showing that most of them are third world press in the truest sense of the world: subordination, the absence of intellectual freedom for the majority of the journalists, the lack of credibility, the absence of the critical role, and the decline of its role as a public service... This was affirmed by the journalists themselves who seek - through presenting the reality - to integrate radical reforms into the course of the media.

These journalists also express another aspect of their suffering, with it being represented by their living conditions. The work conditions at their institutions do not secure financial stability for them, while the immunity provided by their union is absent. This shows that the crisis of the Lebanese media has become complex. The violent and military rhetoric brandished by these media outlets reveals the wrong track they pursue, through their subordination to the sectarian forces, money, and politics. This means that the solutions should be comprehensive because the problem is interlinked, despite its diversity.

The results of this report are alarming and toll the alarm bell on the reality of the Lebanese media. This requires a collective reaction at various levels, in order to correct the situation. It is the responsibility of the media institutions, journalists, official authorities, in addition to the civil society organizations. These sides should unite their efforts in workshops to determine the existing problems and suggest appropriate solutions so that the Lebanese media restores its role in building and developing the society and to lead a new Arab renaissance which our communities strongly need.

Supplement: Sample of the two questionnaires through which MAHARAT polled the opinions of the journalists over the issues of self-censorship (Form I) and the right to access information (Form II):

Form I:

Subject: Self-censorship, objectivity, media orientation, and immunity.

Objective: To measure the index of press freedom.

Target group: Journalists in various media outlets.

Name:

Media institution:

Job title:

Contact:

Terminologies:

Self-censorship is defined as any form of censorship you as a journalist practice, by abstaining from provoking or addressing certain topics in your articles, either upon a personal initiative, or upon the request of other people.

Objectivity is defined as accuracy in covering the news and impartiality in handling them.

Media orientation is when certain sides who influence the media outlet draw a policy in advance that becomes compulsory for you as a journalist while carrying out your job.

You can answer: Yes, No, None, I don't know.

- 1- As a journalist, have you ever practiced self-censorship and abstained from addressing a certain topic – upon a personal initiative - during your career?
- 2- Have you ever been prevented from publishing any article or report you did? Or have any of the officials in your institution taken any parts of your article or modified it?
- 3- Have you ever heard of any similar situation that happened to any of your colleagues?
- 4- In your opinion, what are the reasons behind practicing self-censorship? Please tick the right answer:
  - Fears of judicial or security prosecution.
  - Fears of annoying a certain side or person.
  - Reasons pertaining to your personality, convictions, or ideas.
- 5- Are there any reasons? If yes, please mention them.
- 6- In your opinion, is the media in Lebanon independent, objective, and impartial?
- 7- Do your personal convictions and sentiments influence your objectivity and impartiality?

8- What is the extent if the influence mentioned in Question 7?

25 %      50%      75%      100%

9 –Do you belong to any syndicate related to your career?

10 –How do you assess the union work and its dynamism and impact on your career?

11- As a journalist, do you feel that your career and future are secured and safe? Is there anyone to look after your interests and defend them?

Do you think that your salary is enough to ensure a decent living?

## Form II

Subject: The right to access official information, protecting the sources, freedom of movement and coverage, judicial prosecution and penalties, attacks and arbitrary acts.

Objective: To measure the index of press freedom

Target group: Journalists in various media outlets.

Name:

Institution:

Job title:

Contact:

You can answer: Yes, No, None, I don't know.

If you answer yes, kindly provide us with further information on the subject.

1- Is there a law that secures your right to access official information?

2- If you think such laws exist, are they enough? Why?

3- Do you rely on the means stipulated by the law to access information?

4- In your opinion, are there any hindrances to access information? Please specify more by ticking the following choices:

- The refusal of the officials
  - Selection or preference for specific journalists
  - Selection and preference for a certain media institution
  - Other hindrances please specify.
- 5- What other means are available for you to access information?
- 6- Do you resort to these means? Do you find any obstacles or repercussions for resorting to them?
- 7- In your opinion, does the Lebanese law protect the sources of information?
- 8- Have you ever been prosecuted? Has your house or workplace been inspected or have you faced pressures to disclose your sources?
- 9- Have you ever been banned from moving and covering freely? Who was the side that prevented you?
- 10- Have you ever been prosecuted or sentenced because of your job?
- 11- Have you ever faced any attacks or harassment or been supervised or inspected or threatened or intimidated? Have you ever faced arbitrary actions from the authorities or any side?
- 12- Have any of your colleagues faced any of the cases in Questions 8, 9, 10, and 11?