



How Can We Limit the Legal Restrictions on Freedom of Expression and Protect It?

Legal Study on

“Restrictions on Freedom of Expression in the Lebanese Legal System”

With Recommendations to Repeal Criminal Penal Laws

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Introduction

A Word from Loyal Sakr, Attorney at Law

Principle Investigator and SEEDS Executive Director

“The moment you declare a set of ideas to be immune from criticism, satire, derision or contempt, freedom of thought becomes impossible” - Salman Rushdie.

The importance of this study lies in our attempt to shed light on the laws possibly preventing freedom of expression in Lebanon and work on repealing them. This stems from our conviction that there are no ideas or positions that are above criticism in democratic countries and that the essence of democracy lies in the plurality of opinions, the ability to criticize and the protection of individual and public freedoms, most notably the freedom of opinion and expression. Besides, fascism and obscurantism are two sides of the same coin that can only be combated with more freedom and by preserving and enshrining democracy and upholding the rule of law, where the Universal Declaration of human rights and the rule of law prevail. Hence, the role of the judiciary should be to preserve freedoms, protect human rights and not suppress them because of the fear of a president, leader or cleric.

Lebanon is suffering from a stifling economic crisis: the Lebanese Lira (LBP) has lost more than 80% of its value, banks are unable to give depositors their money back, the judiciary is unable to hold the perpetrators of the bombing of the Beirut Port on August 4, 2020, accountable, and where demonstrations protesting the performance of the political authority were cruelly suppressed with tear gas bombs and rubber bullets causing some protesters losing their sight... Faced with this bitter reality, we consider it necessary to work on protecting the freedoms of expression, assembly and association. These freedoms constitute the most prominent pillars of a democratic state, where citizens, who are the real source of power can voice their concerns, demand that their needs be met, and hold the government accountable.

This study highlights repressive laws, or laws used to suppress freedom of expression, which constitute a Trojan Horse for the authority to evade accountability, punishment, and prevent any liability for corruption on the pretext of denigrating the president, insult or defamation of the leader, contempt of sacred values, or blasphemy towards the clergy. For all these reasons, this study came to suggest repealing the penal sanctions of these laws, with a detailed interpretation of the importance of this proposal, and comparing Lebanese laws with other countries' laws such as France, Sweden, Norway, the United States of America and the United Kingdom. The emphasis will be on Lebanon's commitment to the Universal Declaration of Human Rights and international instruments in its Constitution, and its ratification of the International Covenant on Civil and Political Rights which guarantees freedom of opinion and expression.

Therefore, the study will tackle hereinafter freedom of expression in international conventions and in Lebanon, the offenses of insult and defamation, contempt, blasphemy and contempt of sacred values, threatening national security or disturbance of the peace, weakening of the nationalist sentiment, incitement of racist or confessional strife that are stipulated in the Penal Code and referred to by many other laws detailed in the body of our study, in addition to the importance of freedom of expression in combating corruption and promoting democracy.

Part One:

Freedom of Opinion and Expression in International Conventions and in the Lebanese Constitution

First: Freedom of Expression in International

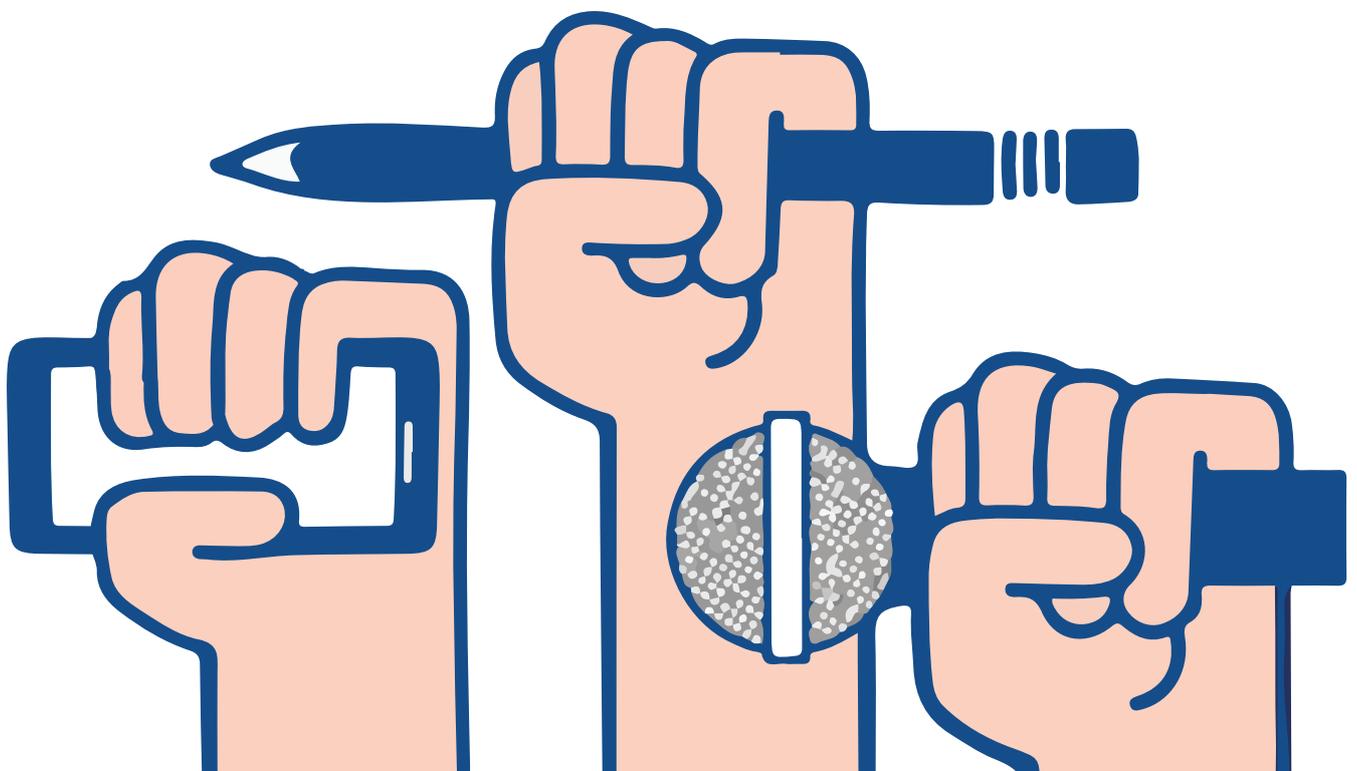
Principle: Freedom of Expression is a Human Right

The right to freedom of expression is a human right enshrined in Article 19 of the Universal Declaration of Human Rights and in Article 19/ Paragraph 2 of the International Covenant on Civil and Political Rights ratified by Lebanon in 1972.

The right to freedom of expression includes:

- Expressing different opinions and ideas in all forms and means, including through electronic media.
- Seeking, receiving and passing on to others various information and ideas without regard to frontiers.

States must guarantee the right to freedom of expression, including freedom of the press and the media. The freedom of the media and the press must be preserved and necessary measures should be taken to protect and ensure that no censorship is imposed on the media, including electronic media, in any way that conflicts with the right of individuals to freedom of expression, conveyance and receipt of information.



Exception: Restricting Freedom of Expression

The right to freedom of expression is not absolute. In some cases, restrictions may be imposed on this right, in order to protect a particular interest, provided that such restrictions do not jeopardize the right of expression per se, as stipulated in Article 19, paragraph 3 of the International Covenant on Civil and Political Rights.

- Restrictions must be specified by a legal text;
- Restrictions must be necessary to protect a legitimate interest.

The Human Rights Committee did not encourage states to criminalize acts of expression; it stipulated the possibility of criminalization in cases of extreme danger, provided that imprisonment in this case would not be the appropriate sanction. The commission also particularly encouraged states to decriminalize slander. (Paragraph 47 of the General Comment no. 34)

In this case, we point out that more severe penalties may not be imposed based solely on the identity of the person against whom the expression is directed. (Paragraph 48 of the General Comment no. 34)

In addition to the legitimate grounds for imposing restrictions on freedom of expression set forth in Article 19, paragraph 3 of the International Covenant on Civil and Political Rights, Article 20 of this covenant also provides for other grounds that may be imposed for restricting freedom of expression:

- 1- “Any propaganda for war is prohibited by law.”
- 2- “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

When restrictions set forth in Article 19 of the Covenant are imposed on freedom of expression, the state must justify such restrictions, prohibitions or related decisions. (Paragraph 52 of the General Comment no. 34)



Second: Freedom of Expression in the Lebanese Constitution

Article 13 of the Lebanese Constitution stipulates that “The freedom of opinion, expression through speech and writing, the freedom of the press, the freedom of assembly, and the freedom of association, are all guaranteed within the scope of the law.”

The Lebanese Constitution protects the right to freedom of expression, but in return this freedom is limited by some domestic laws such as the Penal Code, the Publication Law, the TV and Radio Broadcasting Law, and the Military Judicial Law, which criminalize various forms of expression, and on the basis of which individuals, activists and journalists are prosecuted when exercising their right to expression, mainly when it concerns public affairs.

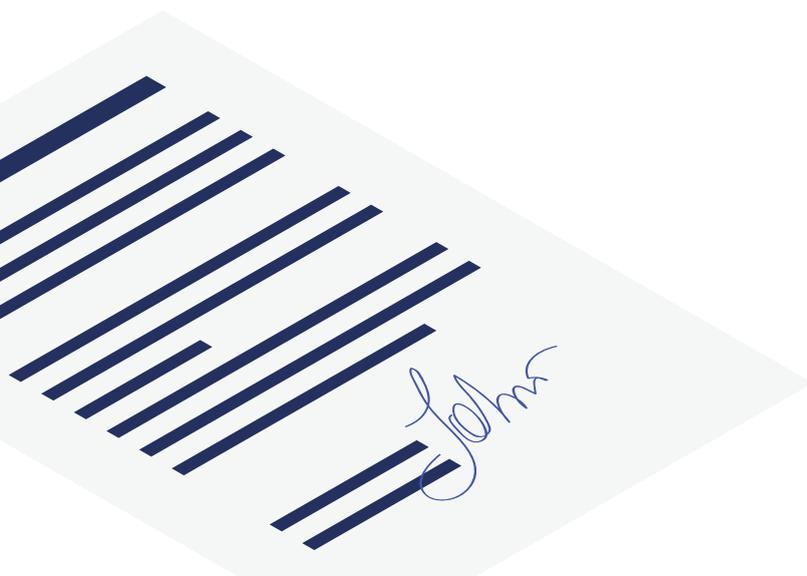
Restricting freedom of expression in Lebanon by criminalizing it and imposing penalties and fines thereon is neither in line with the spirit of the Lebanese constitution nor with the international standards Lebanon is bound by.

The reason for criminalizing some forms of freedom of expression is due to the protection of rights that can be infringed through the exercise of this freedom, such as the right to reputation. However laws that criminalize freedom of expression are not used to achieve their aforementioned basic function, but are used systematically as a tool of intimidation and revenge against individuals who oppose others with opinions and ideas, mainly public authorities, public figures and religious authorities.¹

Restricting freedom of expression through criminalization constitutes a fundamental reason for the decline of this freedom along with the freedom of the press in Lebanon. The possibility of individuals being prosecuted for expressing their opinions or ideas, criticizing public persons or public authorities, or exposing corruption or abuses of the security services, leads these individuals to exercise self-censorship to avoid such prosecution, investigation, trial with the psychological and financial pressures associated with it.¹

The decline in freedom of expression is also due to other reasons, the most important of which are the lack of independence of the media in Lebanon, failure to implement the Right to Access Information Law, failure to activate the National Anti-Corruption Commission, lack of independence of the judiciary and its subordination to public figures and political Parties.

We point out that in addition to directly criminalizing some forms of freedom of expression in the Lebanese Penal Code, this law also indirectly criminalizes this freedom by limiting the freedom of choice and the exercise of sexual and reproductive rights, through criminalizing abortion, “incitement to fornication”, “violating public morals and ethics”, “disguising in women clothing” and “intercourse contrary to nature”, on the basis of which LGBTQ individuals are being prosecuted when exercising their right to express their gender identity or sexual orientation.²



1. “There Is a Price to Pay”, The Criminalization of Peaceful Speech in Lebanon, HRW, November 15, 2019, <https://www.hrw.org/ar/report/2019/11/15/335556>
2. “Don’t Punish Me for Who I Am”, Systemic Discrimination Against Transgender Women in Lebanon, HRW, September 03, 2019, <https://www.hrw.org/report/2019/09/03/dont-punish-me-who-i-am/systemic-discrimination-against-transgender-women-lebanon>

Part Two:

Criminalization of Freedom of Expression in Lebanese Domestic Laws

In this chapter of the report, we will approach each of the freedom of expression's offenses stipulated in the Lebanese Penal Code (LPC) separately, and their compliance with the international standards adhered to by Lebanon to safeguard freedom of expression. We shall propose what we consider pertinent to preserve this right in accordance with the Lebanese Constitution, providing a comparison with other legal frameworks.

First: Insult and Defamation

1- Insult and Defamation in the Lebanese Law

The Lebanese Penal Code stipulated the offenses of "insult and defamation" in Chapter 2 of Part Three that is titled "Crimes against Public Authorities", as well as in Chapter 2, Part Eight titled "Crimes against Liberty and Honor". Insult and defamation were also mentioned in Sub-paragraph 4 of Chapter 1, Part One, titled "Crimes against International Law".

The Lebanese legislator defined defamation as "Attributing to a person, even if in doubt or by question, something offensive to his/her honor or dignity", while insult is defined as "any word, disrespect or insult and any expression indicating an offense" (Article 385 of the Lebanese Penal Code).

The Penal Code differentiated between insult and defamation offenses against a public authority, a public person, individuals, the head of a foreign state, its ministers or representative in Lebanon.

Offense	Against	Penalty	Legal Article	Notes
Defamation	Public authority or public person, publicly.	Imprisonment from three months to two years or a fine.	Articles 386, 387 and 389 / LPC.	The defendant is acquitted if the defamation is a job-related act and is proven true, except defamation against a head of state.
Insult	Public authority or public figure, publicly.	Imprisonment from one month to one year or a fine.	Articles 388 and 389 / LPC.	
Insult and Defamation	Head of a foreign state, its ministers or political representative in Lebanon, publicly.	Imprisonment from six months to two years and a fine.	Articles 388 and 389 / LPC.	
Defamation	Regular person, publicly.	Imprisonment up to three months and/ or a fine.	Article 582/LPC.	
Defamation	Regular person, non-publicly.	A Fine.	Article 582/LPC.	
Insult	Regular person, publicly.	Imprisonment from one week to three months or a fine.	Article 584/LPC.	
Insult	Regular person, non-publicly.	A Fine.	Article 584/LPC.	

Note: Concept of Publicity

Pursuant to Article 209/LPC, publicity is achieved if the expression, committed by various publication means including electronic media, is displayed in a public place, a place accessible to the public or open to public view.

Under the pretext of the offenses of insult and defamation stipulated in the Penal Code, individuals, activists and journalists are summoned and subjected to interrogation, arrest, detention, and trial, for expressing their opinions, especially on social media, whenever these opinions criticize the policies or actions of public authorities or public figures, in particular.

According to Human Rights Watch, the Cybercrime and Intellectual Property Rights Bureau investigated 3,599 cases of contempt, insult and defamation between January 2015 and May 2019. (The Office investigated 341 cases in 2015, 755 cases in 2016 and 800 cases in 2017).³

According to Amnesty International, at least 60 activists and journalists were summoned between January and July 2020 for questioning over insult and defamation offenses, most of which relating to social media posts supporting the October 17 revolution or criticizing public authorities. Amnesty also indicated that sometimes the interrogation was repeated for some, and for others, it took place during the Covid-19 lockdown.⁴

Also, according to nongovernmental organizations, more than 100 people who participated in the demonstrations were arrested, because they shared their opinions during the protests or on social media.⁵

2- Review and Comparison of Insult and Defamation Laws in Lebanon and other countries

The restrictions imposed on freedom of expression in Lebanon through the criminalization of “insult and defamation” contradict the international standards by which Lebanon is bound in terms of:

- Not defining insult and defamation in a precise, detailed and understandable manner using vague expressions such as: undermining honor, dignity, contempt or attributing a matter to a person without specifying the nature of this matter or limiting it to certain cases;
- Absence of the criminality requirement;
- Absence of the proportionality requirement between criminalization and punishment from one side and the act of expression on the other side.

3. “There Is a Price to Pay”, previous reference.

4. Amnesty International Report 2020/21, the state of human rights in the world, Amnesty International organization, 2021, page 149, <https://www.amnesty.org/en/wp-content/uploads/2021/06/English.pdf>

5. LEBANON 2020 HUMAN RIGHTS REPORT, HRW, page 16, <https://www.state.gov/wp-content/uploads/2021/03/LEBANON-2020-HUMAN-RIGHTS-REPORT.pdf>

The following table presents a comparison between insult and defamation laws adopted in Lebanon, as well as in France, Sweden, Norway, the UK and the USA.

State	Criminalization	Offense	Against	Penalty	Legal Article	Notes	In application
Lebanon	Yes	Insult & Defamation	- Public authorities or public figures. - Head of a foreign state, its ministers or political representative in Lebanon. - Ordinary persons.	Imprisonment and/or a fine	- Article 386 to article 389/LPC. - Articles 292, 582 & 584/ LPC.		Insult and defamation laws are used to silence & intimidate individuals, especially those who criticize public authorities & public figures. ⁶ The Public Prosecution may suspend electronic services or block websites temporarily, if insult & defamation are committed through these platforms. ⁷
France	Yes	Insult & Defamation	- Public authorities & public figures, publicly. - Ordinary persons. - A person or group of persons based on origin, race, ethnicity, religion, sex, sexual orientation, gender identity or disability.	The penalty is a fine, except if the discriminatory insult and defamation are committed publicly, then the penalty will be imprisonment & a fine.	-Articles 31, 32 & 33 of the Freedom of the Press Act of 1881. - Articles R621-1 & R621-2 of the French Penal Code. - Articles R625-8 & R625-8-1 of the French Penal Code.		If the French courts rule against a person for insult & defamation, the convicted may resort to the European Court of Human Rights, request the annulment of the judgment or order for contradicting Article 10 of the European Convention on Human Rights, which guarantees the right to freedom of expression. ⁸ The mandate of the European Court of Humans Rights is focused on guaranteeing the rights stipulated in the European Convention on Human Rights, developing its rules thus contributing to the adherence of member states to them. ⁹
Sweden	Yes	Insult & Defamation Insult	- Ordinary persons - A Head of foreign state, or foreign diplomatic representative in Sweden - The King and the Royal Family - Ordinary persons - Persons based on race, color ethnic or national origin, religious belief, sexual orientation, gender identity or gender expression	-The penalty is a fine, but it turns to imprisonment in case of serious insult & defamation. - If insult & defamation are committed against the King and the Royal Family, the penalty will be restricted to imprisonment.	- Chapter 5 / Swedish Penal Code. - Section 2 of Chapter 18/ Swedish Penal Code.	The Penal Code defined the insult offense in certain cases, such as attributing the trait of a criminal to someone (section 1- Chapter 5/ Swedish Penal Code.	-Sweden guarantees freedom of expression & the right to access information to a large extent, especially against public figures and public administrations. ¹⁰ - Self-regulation is adopted by the media & the press. ¹¹ - There are specialized Ombudspersons to guarantee freedom of expression & freedom of the press.
Norway	No	-	-	-	-		-
Norway	No	-	-	-	-		-
USA	No	-	-	-	-		As per the 1st Constitutional Amendment, freedom of expression is absolute.

6. There Is a Price to Pay”, previous reference.

7. Article 126 of the Lebanese Law No. 81/2018 relating to Electronic Transactions and Personal Data: The Public Prosecution may decide to suspend electronic services, block websites, or freeze relevant accounts temporarily for a maximum period of thirty days, renewable once by a reasoned decision, provided that the effect of this procedure expires automatically at the end of the specified period.

The investigative judge or the competent court examining the case may make this decision temporarily until the issuance of the final judgment in this case. The judicial reference may also reverse its decision in case of new available circumstances justifying it. The decision of the investigative judge and the court to suspend electronic services, block websites, or freeze relevant accounts may be appealed in accordance with the rules and deadlines related to the release decision.

8. European Court of Human Rights, The Practical Guide to Humanitarian Law, Doctors without borders, <https://guide-humanitarian-law.org/content/article/3/european-court-of-human-rights/#:~:text=Any%20Member%20State%20of%20the,33%20of%20the%20ECHR>.

9. Guide on Article 10 of the European Convention on Human Rights, Freedom of expression, Council of Europe, Updated on 30 April 2021, page 8, https://www.echr.coe.int/documents/guide_art_10_eng.pdf

10. Openness in Sweden, Free speech, free press and overall openness and transparency are key to Swedish society, Sweden, <https://sweden.se/life/democracy/openness-in-sweden>

11. Freedom And Accountability, Safeguarding Free Expression through Media Self-Regulation, Article 19, March 2005, page 30, <https://www.article19.org/data/files/pdfs/publications/self-regulation-south-east-europe.pdf>

12. The Media Ombudsperson is an independent self-disciplinary body with the authority to investigate complaints filed before him/her by individuals damaged by the editorial content of newspapers, magazines, broadcast media and their websites and social media. The Media Ombudsperson decides to either dismiss the complaint or refer it to the Media Council for review and decision on the basis of media ethical rules.

13. “The First Amendment provides that Congress makes no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances”, The Constitution, The White House, <https://www.whitehouse.gov/about-the-white-house/our-government/the-constitution/#:~:text=The%20First%20Amendment%20provides%20that,for%20a%20redress%20of%20grievances>.

We conclude from this comparison that some countries do not criminalize insult and defamation and others adopted the self-regulation approach without referring to the rigidity of the law in issues of expression; thus we draw inspiration from these countries and from the international standards that protect freedom of expression about the importance of working on decriminalizing insult and defamation for the following reasons:

- The criminalization of insult and defamation in the Penal Code contradicts the Constitution and the International Conventions adhered to by Lebanon.
- The criminalization and punishment of insult and defamation in the Penal Code constitute a deterrent to individuals, especially those working in the mass media and press who resort to self-censorship to avoid being prosecuted on the basis of these laws.
- Insult and defamation laws are especially abused by public authorities and figures, in order to intimidate and silence those who exercise their freedom of expression.
- The right to criticize public authorities and figures constitutes one of the pillars of democratic societies.
The criticism of public figures differs from that of ordinary individuals, as the position of the public figure or politician that he has reached with his knowledge and will, exposes him to accountability and criticism from the public and the press; therefore the politician must show a great degree of tolerance in this regard because he chose to work in public affairs.
- The inclusion of insult and defamation laws in the Civil Code constitutes an appropriate means to protect the right to freedom of expression on the one hand, and the interests that may be harmed by the exercise of this freedom on the other hand. The perpetrator of insult and defamation bears civil, non-penal liability for his actions, which requires compensation for the damage resulting from these acts.

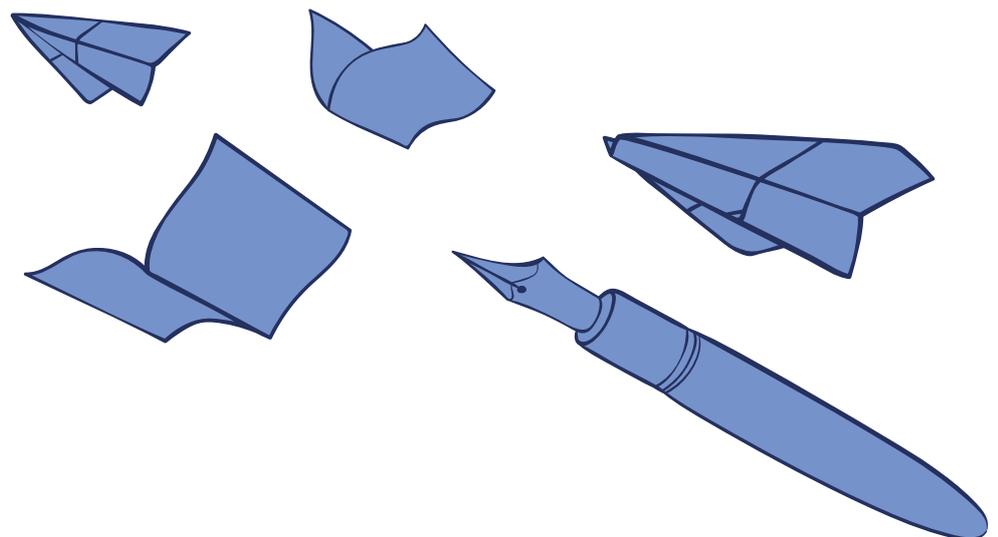
The inclusion of insult and defamation in the Civil Code guarantees equality in prosecution between public persons and ordinary persons; it also prevents the Public Prosecution from automatically prosecuting individuals, especially when these allegations serve a public authority or a public figure.

The insult and defamation laws in the civil code should take into account the following:

- Civil insult and defamation laws should be formulated in a manner that is specific, detailed and understandable to the public and the judicial authority, so as to prevent discretion in their interpretation and implementation.
- Setting a short lapse of time for the civil insult and defamation lawsuit so that it does not affect the exercise of freedom of expression by all individuals in general and by the defendant in particular.
- Determining the amount of compensation within a set margin. This compensation is decided in accordance with the principle of proportionality, taking into account several factors including the defendant's status, the extent of his influence on the public, the content of the expression or the subject matter of the case, the goal of publishing the content, repetitive acts... with the possibility of substituting a compensation verdict with the offering of an apology, retracting the expression, correcting the published news or information, or publishing the correction or the ruling, all that in proportion to the gravity of the act of insult and defamation.

- Balance the right to freedom of expression against other protected rights such as the right to reputation, image, or private life. Freedom of expression and the right to transmit and receive information to and by the public are given priority over these rights when the purpose of the expression “actually serves a public interest that should be brought to the public’s attention”.
 - Allow the defense of defamation allegations by merely establishing the truth of these allegations or proving good faith which would establish equality and democracy in the state and strengthen the fight against corruption.
In this regard, one should take into account that journalists may sometimes disseminate false news in good faith while exercising their mission of transmitting information to the public.
 - Guarantee of awarding damages in case of abusing the right to prosecute in insult and defamation lawsuits, which enhances the exercise of freedom of expression on the one hand, and mitigates arbitrary allegations on the other hand.
- The restriction that should be placed on freedom of expression is the criminalization of hate speech that contradicts the foundations of the democratic society.
Hate speech can be defined as any public incitement, by any means, to discrimination, hatred or violence against a person or group of persons on the basis of race, color, gender, language, political or non-political opinion, social or national origin, wealth, ancestry, disability, sexual orientation, or gender identity.
 - To protect freedom of expression, the Lebanese State must adopt an approach that guarantees this freedom, especially for the media and the press, and prosecute those who attack them, regardless of their position in the Lebanese State.

For all these reasons, we will present in the next paragraph recommendations that promote and create safe spaces for expression in Lebanon.



3- Recommendations

- Repeal the legal articles that criminalize insult and defamation in the Penal Code as well as in Legislative Decree No. 104/77 relating to the amendment of some provisions of the Publications Law and in the Television and Radio Broadcasting Law.
- Criminalize hate speech.
- Include insult and defamation laws in the Civil Code.
- Develop specific, detailed and understandable definitions of insult and defamation in the civil law.
- Set the statute of limitations for the insult and defamation lawsuit to one month from the date of its occurrence.
- Determine the compensation amount within a set margin relying on the principle of proportionality.
- The law should explicitly recognize the right to criticize public authorities and public figures with regards to public affairs.
- The law should recognize good faith and the establishing of the truth as two of the reasons justifying the dismissal of a defamation lawsuit.
- The law should recognize the defendant's right in the insult and defamation case to request damages in case the plaintiff has abused his right to prosecute with the intent to terrorize, intimidate or influence the defendant's exercise of his right to expression.
- Push towards adopting what is in line with the spirit of the law that deters strategic lawsuits that prevent public accountability (Anti-Slapp Law) by adding a fourth paragraph to Article 32 of the Civil Procedure Code, so that it becomes as follows:

“The defendant may submit emergency requests that meet the conditions of Article 30, and in particular the following requests:

... 4- A request to dismiss the case and to compel compensation in the case filed with the aim of preventing the defendant from exercising his constitutional rights and freedoms, including the right to freedom of expression, public accountability, and the right to peaceful assembly and association.

The right to freedom of expression and public accountability includes:

- Any written or oral opinion given before a public body;
- Any public written or oral opinion relating to a matter under consideration by a legislative, executive, judicial or other public body;
- Any public opinion on a subject of public interest;
- Any public opinion regarding the work of public institutions or public figures in their official capacity;
- Any other conduct that promotes the exercise of the right to freedom of expression in matters of public interest.

The court shall decide about the emergency request in light of the Constitution, international covenants, facts and pleadings submitted by both the plaintiff and the defendant.

If the court finds that the submitted lawsuit is used as a tool to prevent the defendant from exercising his freedom of expression, assembly, and association, and his right to public accountability, the lawsuit shall be dismissed and the plaintiff ordered to pay a compensation fee, as well as bear the costs of the trial and the defendant's attorney's fees.

In all cases, the court's decision on the emergency request can be appealed.”

Second: Contempt

1- Contempt in the Lebanese Law

The Lebanese Penal Code stipulates the offense of "contempt" in Chapter 2 of Part Three that is titled "Crimes against Public Authority".

The Lebanese law defined "contempt" as every expression or action formulated with the intent of insulting or humiliating, directed against officials who exercise public authority, and other officials in connection with their job or their capacity.

Offense	Against	Penalty	Legal Article
Contempt	Public servant	Imprisonment up to six months	Articles 383 / LPC
	Official exercising public authority	Imprisonment from two months to one year	Articles 383 / LPC
	Judge on the bench	Imprisonment from six months to two years	Articles 383 / LPC
	Head of state	Imprisonment from six months to two years	Articles 384/ LPC
	National flag or emblem, publicly	Imprisonment from six months to two years	Articles 384/ LPC
	- A foreign state, its army, flag, or national emblem, publicly. - Head of a foreign state, its ministers or political representative in Lebanon.	Imprisonment from six months to two years and a fine.	Articles 292 / LPC

On the basis of the contempt offense in the Penal Code, individuals, activists and the media are arrested, detained and prosecuted, especially on the charge of contempt of the President of the Republic.¹⁴

According to Human Rights Watch, the Cybercrime Bureau investigated 1,451 contempt cases in 2018. In 2019 and up to May 15, 252 contempt cases were transferred to this Bureau for investigation. As for judgments, criminal rulings were pronounced regarding the contempt offense and sentenced at least three individuals to imprisonment between 2015 and 2019. It is worth noting that at least one of these judgments was issued in absentia by the Publications Court. The Military Court issued as well three imprisonment sentences in absentia, two of which were annulled upon appeal, after the Military Court declared that it had no jurisdiction to hear the case.¹⁵

For example, on 19 June 2018, Youssef Abdallah (15 years old) was interrogated at the Army Intelligence Branch in Tripoli for sharing a caricature of the President of the Republic on WhatsApp. Youssef's eyes were covered and his hands tied. His father did not know where he was arrested for 22 hours. He was released after signing a pledge not to commit contempt against the President of the Republic (according to some media outlets).

Furthermore, on 15 September 2018, Walid Radwan was interrogated at the Information Division of the Internal Security Forces (ISF) for a Facebook post in which he sarcastically criticized a prominent politician. He was charged with contempt for officials and the President of the Republic, noting that the publication did not include any reference to the President of the Republic.¹⁶

14. "There Is a Price to Pay", previous reference.

15. "There Is a Price to Pay", previous reference.

16. "There Is a Price to Pay", previous reference.

Radwan was interrogated by an investigator linked to a political party; an official from that party was even watching the interrogation via video and ordering the investigator to mistreat Radwan. His phone was also taken from him and he was forced to give up his password. He was subject to provisional detention for 18 days in Tripoli in an “underground dirty and hot cell full of rats, measuring five meters by six meters, with 16 other persons.”¹⁷

On 27 June 2020, the Director General of Customs, Badri Daher, filed a complaint against “Al-Jadeed” channel, Tahsin Khayat, and Riad Kobaissi, a journalist at the channel, for the crime of “contempt of a public official, disclosing the confidentiality of an investigation and for extortion”, based on the content of an episode of the program “Fal Yasqut Hokm Alfased”(Let the Corrupt Rule Fall), prepared and presented by Kobaissi.¹⁸

On 25 March 2021, Judge Ghada Aoun filed a personal complaint of “contempt, defamation and Insult” against the news anchor Marcel Ghanem and the MTV channel for criticizing her in his talk show “Sar el Waqt” (It's about time).¹⁹

2- Review and Comparison of Contempt Laws in Lebanon and Other Countries

Restrictions imposed on the freedom of expression in Lebanon, represented by the criminalization of “contempt”, contradict the international standards by which Lebanon is bound, in terms:

- Using vague expressions and not defining contempt in a precise way;
- Absence of the criminality requirement;
- Absence of the proportionality requirement between criminalization and punishment from one side and the act of expression from the other side.

According to the UN Human Rights Committee, it is legitimate to criticize and politically oppose public figures, and states may not impose their laws that limit such criticism and opposition, such as “Committing contempt against a public servant, disrespecting authorities, disrespecting flags and symbols, insulting the head of state and protecting the honor of public officers”. Furthermore, the criticism of institutions such as the army or the governing body should not be prohibited as well (Paragraph 38 of the General Comment no. 34).

17. “There Is a Price to Pay”, previous reference.

18. The Customs Director files a claim against “Al-Jadeed” channel and the media journalist Riad Kobaissi in a publication case, Samir Kassir Foundation, 30 April 2020 <https://www.skeyesmedia.org/ar/News/News/30-06-2020/8677>

19. Violations of media and cultural freedoms in the Orient, March 2022, Samir Kassir Foundation, 20 April 2020 <https://www.skeyesmedia.org/ar/News/Reports/20-04-2022/9981>

The following table presents a comparison between insult and defamation laws adopted in Lebanon, as well as in France, Sweden, Norway, the UK and the USA.

State	Criminalization	Against	Penalty	Legal Article	Notes	In application
Lebanon	Yes	- Public officer. - National flag or emblem. - A foreign state, its president/head, ministers, army, national flag & emblem and its political representative in Lebanon.	Imprisonment up to two years	Articles 383,384 & 292/LPC	Lebanon	Contempt laws are used to terrorize & intimidate individuals, especially those who criticize public authorities & public figures. The Public Prosecution may suspend electronic services or block websites temporarily, if contempt is committed on these platforms.
France	Yes	- Public officers, non-publicly. National flag & emblem, publicly. Ambassadors and official representatives of foreign countries in France, publicly.	The penalty differs depending on the case: Fine and/or imprisonment up to two years.	Articles 433-5, 433 -1 to 5 / French Penal Code. Article 37 of the Freedom of the Press Act of 1881.	Lebanon	A person convicted of contempt by the French courts may resort to the European Court of Human Rights and request the annulment of the judgment or order for contradicting Article 10 of the European Convention on Human Rights, which guarantees the right to freedom of expression.
Norway	Yes	Representative of a foreign country	Imprisonment up to one year or a fine.	Article 184 / Norwegian Penal Code	Norway criminalizes contempt when it is directed at a representative of a foreign country only	The convicted may resort to the European Court of Human Rights.
UK	No	-	-	-	-	-
USA	No	-	-	-	-	As per the 1st Constitutional Amendment, freedom of expression is absolute.

We conclude from this comparison that some countries do not criminalize contempt against public figures and public institutions; thus we draw inspiration from these countries and from the international standards that protect freedom of expression about the importance of working on decriminalizing insult for the following reasons:

- The criminalization of contempt in the Penal Code contradicts the Constitution and the International Conventions adhered to by Lebanon.
- The right to criticize is one of the pillars of a democratic society; the public figure should show a high degree of tolerance and acceptance with regard to criticism of his speeches and actions by the public.
- The criminalization of contempt which the Lebanese legislator limited to public officials, in addition to laws of insult and defamation against public figures, gives them an additional privilege and a tool that enables them to pursue individuals who criticize them. This contradicts the principle of the rule of law that imposes equal rights and duties for all, regardless of their position in the state.
- The criminalization of contempt constitutes a further deterrent for individuals, especially the press and media, from expressing their opinions and ideas, and conveying the necessary information to the public; consequently, they practice self-censorship for fear of prosecution.
- Contempt laws are used by public authorities to intimidate and silence those who exercise their freedom of expression, and to suppress any general debate on public affairs.

For all these reasons, we will present in the next paragraph recommendations that promote and create safe spaces for expression and criticism of public figures and public institutions in Lebanon.

3- Recommendations

- Repeal the legal articles that criminalize contempt in the Penal Code as well as in Legislative Decree No. 104/77 relating to the amendment of some provisions of the Publications Law, in the Television and Radio Broadcasting Law and in the Military Justice Code.
- Criminalize hate speech.

Third: Blasphemy and Contempt of Sacred Values

1- Blasphemy and Contempt of Sacred Values in the Lebanese Law

The Lebanese Penal Code stipulates the offenses of "Blasphemy and Contempt of Sacred Values" in Chapter 1 of Part Three that is titled "Religious Defamation Offenses".

Offense	Penalty	Legal Article	Notes
Blasphemy against the name of God, publicly.	Imprisonment from one month to one year.	Articles 473 / LPC.	
Contempt for religious rituals, publicly; or encouraging disdain/mockery of the same publicly.	Imprisonment from six months to three years.	Articles 474/ LPC.	

On the basis of articles criminalizing the offenses of blasphemy and contempt of sacred values, individuals who express their opinions or criticize religious ideas, beliefs or practices are prosecuted, arrested and detained, noting that Lebanese people are divided into 18 religious sects in Lebanon.

In 2018, for instance, the activist "Charbel Khoury" was accused by an influential Christian group and was interrogated by the Cybercrime Bureau because of a Facebook post that included a joke about a Christian Saint. During the interrogation, Khoury was threatened and insulted. He was also subjected to threats of violence and murder on social media as well as physically assaulted by a co-worker. Despite this, none of these individuals was prosecuted or investigated, not even Khoury's co-worker, against whom the latter had filed a complaint.

In addition to Khoury, Wadih Al-Asmar, Head of the Lebanese Center for Human Rights was summoned for interrogation at the Cybercrime Bureau for sharing Khoury's publication; he was also intimidated by investigators.²⁰

Furthermore, on 22 July 2019, a lawyer associated with religious groups filed a complaint before the Public Prosecution accusing the "Mashrou' Leila" musical group of insulting religious rites and inciting sectarian strife, due to their social media posts and lyrics. This band had a planned concert in Byblos, and religious groups demanded, as a result, to cancel the concert. The band members were threatened by many internet users with acts of violence if the concert were to be held. After submitting this complaint, some members of the group were interrogated by the State Security Service and forced to sign a pledge to delete social media posts.

On the other hand, the Public Prosecution did not act on a complaint submitted by eleven (11) Human rights Groups on July 30, asking the authorities to investigate threats to the band on social media, including incitement to violence and death threats.²¹

20. "There Is a Price to Pay", previous reference.

21. "There Is a Price to Pay", previous reference.

On 03 Dec 2019, several lawyers filed a communication with the Public Prosecution in Beirut against a woman on charges of “Offending religion and challenging the Divine”, after a video she posted went viral; in this video she says “In heaven, God has to his right Michel Aoun²² and to his left Gebran Bassil”.²³⁻²⁴

On 07 Jan 2020, the Cybercrime Bureau interrogated the activist and journalist Nidal Ayoub over one of her posts during the 17 Oct 2019 revolution protests, which included statements such as “God is great but revolution is greater”.²⁵

2- Review and Comparison of Laws on Blasphemy and Contempt of Sacred Values in Lebanon and Other Countries

The criminalization of “blasphemy and contempt of sacred values” contradicts international standards related to freedom of expression that Lebanon is adhered to, in terms:

- Using vague expressions that do not define precisely “contempt of sacred values”, or “contempt for religious rituals”, or “blasphemy against the name of God”
- Absence of the criminality requirement;
- Disproportion between criminalization and penalty on one hand and the act of expression on the other.

22. President of the Lebanese Republic (2016 - 2022)

23. Lebanese Politician and President of the Free Patriotic Movement since 2015

24. Monitoring Freedom of Expression and Media during the Revolution, 17 Oct to 31 Dec 2019, Maharat, page 15, <https://maharatfoundation.org/media/1771/foe-report-2019-web.pdf>

25. LEBANON 2020 HUMAN RIGHTS REPORT, page 13, previous reference.

The following table holds a comparison between “Laws on blasphemy and contempt of sacred values” adopted in Lebanon and in other countries.

State	Criminalization	Penalty	Legal Article	In application
Lebanon	yes	Imprisonment up to three years.	Articles 473 & 474/LPC	<ul style="list-style-type: none"> - The Public Prosecution may suspend electronic services or block websites temporarily, if the offense of Contempt of Sacred Values is committed on these platforms. - Blasphemy laws are used to prosecute individuals who express opinions related to religion.
USA	No (at the federal level). Some states still criminalize blasphemy.	Varies by state.		Blasphemy laws are not effectively enforced in the States that still criminalize the offense.
UK	No	-		-
France	No	-		-
Sweden	No	-		-
Norway	No	-		-
Italy	yes	A fine	Articles 403, 404 & 724/ Italian Penal Code	The convicted may resort to the European Court of Human Rights
Poland	yes	Imprisonment for up to two years and a fine.	Article 196/ Polish Penal Code	The convicted may resort to the European Court of Human Rights.
Spain	yes	Imprisonment for up to one years and a fine.	Articles 524 & 525/ Spanish Penal Code	The convicted may resort to the European Court of Human Rights.
Germany	yes	Imprisonment for up to three years or a fine.	Article 166/ German Penal Code	The convicted may resort to the European Court of Human Rights.
Algeria	yes	Imprisonment for up to five years and/or a fine.	Article 144 (bis 2)/ Algerian Penal Code	-
Iraq	yes	Imprisonment for up to three years.	Article 372/ Iraqi Penal Code	-
KSA	yes	Death penalty ²⁶		
KSA	yes	Death penalty ²⁷		
KSA	yes	Death penalty	Articles 262 & 513/ Iranian Penal Code	

26. RESPECTING RIGHTS?, Measuring the World's Blasphemy Laws, United States Commission on International Religious Freedom, July 2017, Page 99, <https://www.uscirf.gov/sites/default/files/Blasphemy%20Laws%20Report.pdf>

27. Pakistan, End Blasphemy Laws, <https://end-blasphemy-laws.org/countries/asia-central-southern-and-south-eastern/pakistan/>

We conclude from this comparison that some countries did not criminalize blasphemy against the name of God or contempt of religious rites; thus we draw inspiration from these countries and from the international standards that protect freedom of expression about the importance of working on decriminalizing “blasphemy and contempt of sacred values” for the following reasons:

- The criminalization of “blasphemy and contempt of sacred values” contradicts the Constitution and the International Conventions adhered to by Lebanon.
- Legal protection is limited to both freedom of expression from one side and freedom of belief which includes the freedom of any individual to embrace whatever religious or non-religious ideas he wants from the other side. So it cannot be said that “Religious Rituals and Beliefs” should be protected and respected, since there are no recognized rights and interests for these as individuals.

Below is expert from the book titled “Le Droit D’Emmerder Dieu” (The right to piss off God):

“Les croyances ne peuvent jamais exiger le respect. Seuls les hommes y ont le droit. Aucune croyance, aucune idée, aucune opinion ne peut exiger de ne pas être débattue, critiquée, caricaturée. Parce qu’à défaut, on n’accepterait plus de vivre qu’entre personnes pensant la même chose. Et tout débat, toute controverse sera estimée « offensante ». C’est le chemin de l’obscurantisme. Les idées, ça se confronte et ça se débat.” (Le droit d’emmerder Dieu, Richard Malka, 2021, Page 72)

Which translates as follows:

“Beliefs can never command respect. Only humans have the right to it. No belief, no idea, no opinion can demand not to be debated, criticized or caricatured. Otherwise, we would only agree to live with people who think the same. And any debate or controversy will be considered “offensive”. This is the path to obscurantism. Ideas should be confronted and debated.” (The Right to piss off God, Richard Malka, 2001, page 72)

- Criticism of religious ideas is a safeguarded right within the right to freedom of expression. The European Court of Human Rights affirms that it is possible in a democratic society to criticize religious ideas, activities and teachings, even if some consider this criticism as offensive or hurtful to “religious feelings”. In this regard, concerned persons must show a degree of tolerance and acceptance to those who oppose them, or criticize their ideas and beliefs²⁸.
- The essence of the right to criticize is to promote development and progress at all levels of society. When opposing or criticizing ideas, information or opinions that are usually accepted by society, especially when they are authoritarian and in violation of human rights, new paths that differ from traditional ones are created and new horizons are opened for development, progress, respect and the guarantee of human rights and freedoms.

Hence we see that dictatorial regimes that violate rights and freedoms generally tend to criminalize blasphemy, or criticism of religious practices and beliefs. Furthermore, the laws of these regimes are often closely linked to religious beliefs that are imposed on the people.

This is mentioned in the book “Le droit d’emmerder Dieu”, (the Right to piss off God) page 49:

“La liberté de critique des idées et des croyances, c’est le verrou qui garde en cage le monstre du totalitarisme” (The freedom to criticize ideas and beliefs is the lock that keeps the monster of totalitarianism in its cage).

- Preventing the criticism of religious ideas and beliefs encourages fascist currents that impose their views, ideas and beliefs on others, suppress and persecute their opponents and reject diversity and development. Hence, the possibility to express criticism regarding religious beliefs is a way to fight fascism.
- In this regard, we note that the 72 of the countries that consider homosexuality to be an "abomination" are the ones that criminalize blasphemy (the Right to piss off God, page 43). The stigmatization or criminalization of homosexuality and the criminalization of blasphemy, usually based on religious beliefs, are used to limit the exercise of personal freedoms. In this context, we refer to the principle of indivisibility of freedoms, whereby democratic countries must respect all freedoms equally.
- Criminal blasphemy laws are sometimes a tool, used by extremists, to justify their acts of terrorism, intimidation and violence against their opponents in the name of protecting or preserving religion, which reinforces human rights violations, and spreads a culture of impunity.
- The criminalization should focus on the hate speech that is embodied in public incitement to violence, hatred or discrimination against a person or group of persons, especially on the basis of belonging, or not, to a particular sect or confession, or based on religious or non-religious opinions and ideas.
- In democratic countries, authorities must promote laws that equally protect people who exercise the right to freedom of opinion and expression on one hand, and the right to freedom of belief on the other hand.

For all these reasons, we will present in the next paragraph recommendations that promote and create safe spaces for expression in Lebanon.

3- Recommendations

- Repeal the legal articles that criminalize “blasphemy and contempt of sacred values” in the Penal Code.
- Criminalize hate speech.
- Enact the necessary laws to prosecute attacks against persons who exercise freedom of expression.

Fourth: Threatening National Security

1- Threatening National Security in the Lebanese Law

The Lebanese Penal Code stipulated the offense of “Threatening National Security” in

- Sub-paragraph 5, Chapter 2, Part One, titled “Crimes Threatening National Security or Disturbing Serenity among the elements of the Nation” & in;
- Sub-paragraph 4 titled “Crimes against International Law” and sub-paragraph 5 titled “Undermining the Prestige of the State and the National Sentiment”, under Chapter 1, Part One of the Penal Code.

Offense	Penalty	Legal Article	Notes
Provoking confessional or racial strife or inciting conflict between confessions and various elements of the nation.	Imprisonment from one to three years, a fine and deprivation of civil rights.	Article 317 / LPC.	-
Exposing Lebanon to the danger of hostile acts, disturbing its relations with a foreign country, or exposing the Lebanese to acts of reprisals against them or their funds.	Temporary detention	Article 288/ LPC.	-
Weakening national sentiment or awakening racial or confessional strife.	Temporary detention	Article 295/ LPC.	-

On the basis of the crime of “threatening national security and disturbing serenity among elements of the nation” set forth in the Penal Code, individuals who express their different opinions or ideas, especially those related to public affairs, or matters directly or indirectly related to religions or denominations, such as criticizing the policy of a sectarian political party, or criticizing religious authorities are prosecuted, arrested and detained.

For example, in 2003, the Public Prosecution accused two persons, one of whom was a pastor, of inciting sectarian strife and of contempt of religious rites. The reason for this claim was that the first defendant (a Palestinian refugee) had deliberately converted from Islam and embraced the Evangelical doctrine. He documented his experience and its causes in a video to be shown to Arab viewers in Sweden. This video, filmed in Lebanon, compares verses from the Holy Qur’an and the Holy Gospel, indicating how his view on several issues changed due to his conversion to Evangelical doctrine and the entry of the Holy Spirit into his heart. After the courier company sent the video to the General directorate of Public security, the Public Prosecutor alleged the crime of “inciting sectarian strife and insulting religious rites”.²⁹

In 2018, after the activist and journalist Muhamad Awad published an article on the “herd mentality” in Lebanon, he was arrested by an armed unit that identified itself as being from the Services and Information Division at the State Security. In the article he mentioned “people’s willingness to die for Hezbollah, even though this sacrifice goes against human nature”. During the interrogation, officers searched his cell phone and laptop, inquired about his political views and his opposition to Hezbollah party and Amal movement. The officers also asked Awad to sign a pledge not to demean sectarian leaders or stir up confessional strife, or else he would spend the weekend at the General Security.³⁰

29. The Criminal District Judge in Baabda, Judgment number 51/2019 (Merits 3885/2003), issued on 31 Jan 2019, published on <https://legal-agenda.com>

30. “There Is a Price to Pay”, previous reference.

On 05 Dec 2019, journalist Rawand Bou Khuzam appeared before the judiciary in a case brought against her by Nabih Berri, the Speaker of the Parliament, accusing her of inciting sectarian strife, after she indicated that she had been assaulted by supporters of the Amal movement and the Speaker of the Parliament Nabih Berri, while covering the protests in front of “Eden Bay” hotel.³¹

2- Review and Comparison of Threatening National Security Laws in Lebanon and other countries

Criminalizing the act of “threatening national security, disturbing serenity among elements of the nation and stirring up confessional strife” contradicts the international standards adhered to by Lebanon, in terms of:

- Using vague terminology that does not define clearly and precisely the concept of expression
- The futility of criminalizing the expression of opinions, ideas and critics especially when related to public affairs or religious authorities
- Disproportion between the penalties imposed on one side and the act of expression on the other side

The following table presents a comparison between “Threatening National Security” Laws applied in Lebanon, and those adopted in each of Jordan, Spain and France.

State	Criminalization	Penalty	Legal Article	In application
Lebanon	<ul style="list-style-type: none"> - Stirring up confessional or racial strife and inciting conflict between confessions and various elements of the nation. - Disturbing Lebanon’s relations with a foreign country. - Weakening national sentiment or awakening racial or confessional strife. 	<ul style="list-style-type: none"> - Imprisonment for up to three years, a fine and deprivation of civil rights. - Temporary detention. -Temporary detention. 	Articles 317, 288 and 295/ LPC	<ul style="list-style-type: none"> - The Public Prosecution may suspend electronic services or block websites temporarily, if the crime of violating national security is committed on these platforms.. - These laws are used to prosecute individuals who express their opinions, mainly those related to internal and external public affairs.
Jordan	“Whoever commits acts, publishes writings, or delivers speeches which are not authorized by the government, that would expose the Kingdom to the danger of hostile acts, disturb its relations with a foreign country or expose Jordanians to acts of revenge against them or their money”.	- Temporary detention.	Article 118/ Jordanian Penal Code	While this crime exists, it is difficult for individuals and journalists in particular to express their opinion regarding public affairs, national security and foreign relations. ³²
Spain	Glorifying or justifying terrorism publicly.	- Imprisonment up to three years & a fine.	Article 578/ Spanish Penal Code	The state uses the broad and vague “glorification or justification of terrorism” law to criminalize several forms of expression that do not necessarily constitute support for terrorism. ³³
France	Endorsing terrorism publicly	- Imprisonment up to five years & a fine.	Article 421-2-5/ French Penal Code	<p>The state uses these broad ill-defined laws to limit various forms of expression that do not necessarily support terrorism, on the grounds of preserving national security.</p> <p>In 2015, the French courts issued 385 judgments for charges of “supporting terrorism”, one third of which were issued against minors³⁴</p>

32. The Right to Freedom of Expression: Restrictions on a Foundational Right, Global Trends in NGO LAW, a quarterly review of NGO legal trends around the world, ICNL, Volume 6, Issue 1, page 8, https://www.icnl.org/wp-content/uploads/global-ngo-law_trends6-1.pdf

33. Spain: Tweet... if you dare: How counter-terrorism laws restrict freedom of expression in Spain, Amnesty International, March 13, 2018, <https://www.amnesty.org/en/documents/eur41/7924/2018/en/>

34. EU: Orwellian counter-terrorism laws stripping rights under guise of defending them, Amnesty International, January 17, 2017, <https://www.amnesty.org/en/latest/news/2017/01/eu-orwellian-counter-terrorism-laws-stripping-rights-under-guise-of-defending-them/>

We conclude from this comparison that the aforementioned countries use unclear vague expressions contained in legal texts to prosecute those who exercise freedom of expression, which contradicts international standards. Thus, we underline the importance of working to decriminalize anything relating to “threatening national security” and consequently to stop using deliberately vague legal expressions for the following reasons:

- The criminalization of “threatening national security” contradicts the Constitution and Lebanon’s commitment to international standards in safeguarding freedom of expression, especially with regard to the use of undefined expressions.
- The undefined terms are vague and indefinite expressions that are not limited to one specific interpretation, but rather accept several interpretations, which leads to discretion in their application and that contradicts the rule of law.

Drafting a legal text in specific terms is particularly important because:

- The individual should know what is binding in the law, what is legal and what is illegal;
- It limits the tasks of competent authorities and ensures that they are not misused;
- It guarantees that individuals can exercise their freedom of expression without fear of discretionary prosecution by competent authorities.
- The criminalization of “threatening national security” constitutes a deterrent for individuals to express their opinions and ideas, for fear of being persecuted.
- According to the UN Human Rights Committee, outright prohibitions may not be used to “prevent or punish criticism of religious leaders or commentary on religious doctrine or tenets of faith”. (Paragraph 48 of the General Comment no. 34)
- These laws are used in particular by the authorities, public figures and heads of confessions and sects to prosecute individuals when they express any opinion that contradicts their ideas or beliefs or affects their personal interests.
In addition, the text of law which criminalizes any expression that “disturbs Lebanon’s relations with a foreign state”, allows the non-Lebanese concerned person to pursue the individual who expresses their views and ideas, especially political ones.
- The necessity of criminalizing hate speech that is embodied in the incitement to violence, discrimination, and hatred against any person or group of persons, especially based on doctrine, confession, race, national origin/ affiliation, as such speech undermines the foundations of an society, the most important of which are pluralism and respect for minorities.

For all these reasons, we will present in the next paragraph recommendations that promote and create safe spaces for expression in Lebanon.

3- Recommendations

- Repeal the legal articles that criminalize “threatening national security” in the Penal Code as well as in Legislative Decree No. 104/77 relating to the amendment of some provisions of the Publications Law and in the Television and Radio Broadcasting Law.
- Criminalize incitement to or calls for discrimination, violence or hatred against a person or group of persons, on the basis of race, religion, origin and national affiliation.



Part Three:

Importance of Freedom of Expression in Fighting Corruption and Promoting Democracy

State	Democracy Index 2021 ³⁵	World Press Freedom Index 2021 ³⁶	Corruption Perceptions Index 2021 ³⁷	Human Freedom Index 2021 ³⁸
Lebanon	111/167 (Authoritarian Regime)	107/180	154/180	108/165
Sweden	4/167 (Full Democracy)	3/180	4/180	9/165
France	22/167 (Flawed Democracy)	34/180	22/180	34/165
USA	26/167 (Flawed Democracy)	44/180	27/180	15/165
Norway	1/167 (Full democracy)	1/180	4/180	13/165
UK	18/167 (Full democracy)	33/180	11/180	14/165

* Lebanon fell 23 places in 1 year and ranked 130 in the World Press Freedom Index 2022 issued by Reporters Without Borders.³⁹

The relationship between Freedom of Expression, Democracy and Combating Corruption

Undermining democracy and striking the principles upon which it is based (such as violating the principle of separation of powers, human rights and freedoms, and most importantly freedom of expression, control over the media and the press) constitutes an environment that is conducive to the spread of corruption and absence of liability and accountability.

Freedom of Expression is an important pillar in combating corruption in the country, which leads to a high level of democracy therein.

35. Democracy Index 2021: the China challenge, Economist Intelligence Unit, <https://www.eiu.com/n/campaigns/democracy-index-2021/>

36. World Press Freedom Index 2021, Reporters without Borders, <https://rsf.org/en/index?year=2021>

37. Corruption Perceptions Index 2021, Transparency International, <https://www.transparency.org/en/cpi/2021>

38. The Human Freedom Index 2021, Fraser Institute, Cato Institute, <https://www.cato.org/sites/cato.org/files/2022-03/human-freedom-index-2021-updated.pdf>

39. World Press Freedom Index 2022, Reporters without Borders, <https://rsf.org/en/index?year=2022>

Freedom of expression, especially freedom of the press, contributes to the dissemination of the culture related to enjoying human rights and combating corruption.

This freedom also contributes to the protection of whistleblowers on the one hand, and the promotion of the right to access information by conveying the necessary information to citizens, in order to create public debate and foster public opinion regarding public affairs on the other hand. This enhances transparency and accountability in the state and reduces corruption therein, so the state becomes more responsive and effective in terms of securing the basic needs of its citizens and guaranteeing their rights and freedoms.

Therefore, the higher the level of freedom of expression and freedom of the press, the lower the level of corruption, which leads to a high index of democracy.

Final Remarks

The goal of this study is to push for the creation of a safe environment that protects the freedoms of opinion and expression from disproportionate restrictions. It highlights the importance of the decriminalization of contempt, defamation, insult, blasphemy and the contempt of sacred values that can be used by the political authority to suppress and prevent people from criticizing and expressing their opinion freely.

However, one should consider that, if a restriction is to be placed on the freedom of opinion and expression, it must be specified by a clear, non-discretionary, necessary and corresponding law, in accordance with the international standards to which Lebanon is committed as set in the preamble of its constitution.

We would like to thank the International Center for Not-for-Profit law (ICNL) for their support throughout this study, and without whom this achievement would not have been possible.

The ultimate objective always remains to create safe spaces for freedom and expression in this part of the world.

May you always support freedom around the globe!



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