



LEBANON WHISTLEBLOWING OVERVIEW

This overview on whistleblowing in Lebanon gives a first insight into the situation of whistleblowing in the country and aims to start a discussion on improved protection of whistleblowers.

Lebanon is a parliamentary republic and is generally considered as one of the most democratic Arab states¹. The system present in Lebanon hinges on the equilibrium between various religious confessions, where no singular group is able to dominate the government institutions. Despite this tenuous balance, Lebanon's state institutions have been racked with corruption, being ranked 127 out of 177 states in 2013 on Transparency International's Corruption Perceptions Index².

The adoption of the United Nations Convention Against Corruption (UNCAC) in 2009 did not bring about a Lebanese framework of mechanisms dedicated to whistle-blower protections. Although, the Lebanese legal system specifically maintains that this convention should have been implemented as shown in article (2) of the Lebanese Code of Civil Proceedings, that international law shall have primacy over domestic law.³ Currently, Lebanon does not have any codified laws or governmental mechanisms to protect whistle-blowers, and major sections of the UNCAC remain unimplemented.

¹ Freedom House, country profile found: <https://freedomhouse.org/report/freedom-world/2015/lebanon> accessed on 5/12/15

² The full ranking can be found online here: www.transparency.org/cpi2013/results/ accessed on 5/12/15

³ Palestinian Human Rights Organisation 'Lebanese labour Laws Palestinian Refugees Recent Situations Palestinians' Contributions to the Lebanon's Economy', Fourth Edition, January 2011, p.35, and Lebanese Constitution, Part One, Preamble, B. www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanese%20Constitution.pdf

THE RISKS WHISTLEBLOWERS FACE

The absence of whistle-blower protection and the length of time it has taken to have the draft bill to work its way through the legislative process highlight the failure of the Lebanese government to institute measures against corruption and to instil public trust.⁴ One of the biggest obstacles to addressing corruption in the Lebanese public trust has been, as Transparency Lebanon describes: “the absence of Access to Information legislation and a Whistle-blower Protection law even despite the country’s ratification of the UN Convention against Corruption. [...], government institutions – both national and local – frequently lack the interest and means to pursue serious reform.”⁵

In addition to the institutional inadequacies, there have been a litany of high profile incidents involving those who have blown the whistle in Lebanon:

1. Journalist Mohammed Nazzal published an investigative report into corruption within the Lebanese judiciary. Mr Nazzal was subsequently convicted of slander and defamation. He was fined 6 million Lebanese Lira.⁶
2. Four journalists from Al-Jadeed television were beaten, then detained by customs agents when investigating corruption allegations at Lebanon’s airport.⁷

These are two examples of a much wider issue. Further infringements upon media freedoms (especially when exposing corruption) are detailed frequently by the media watchdog organisation, the Skeyes Centre for Media and Cultural Freedom.⁸

⁴ ‘MP Moukheiber: Government vacuum hampers anti-corruption efforts’, Daily Star, 11/5/11, found online at: www.ghassanmoukheiber.com/showArticles.aspx?aid=438#sthash.fr1BWyx4.dpuf, accessed on 5/12/15

⁵ ‘Empowering Citizens against Corruption’, The Lebanese Advocacy and Legal Advice Center (LALAC), 2015, found online at: http://transparency-lebanon.org/Modules/PressRoom/OurPublications/UploadFile/5512_18.06.YYLALAC_Final_Report_EN.pdf, accessed on 4/12/15, p.11

⁶ Zaraket, Maha, Lebanon’s Court of Publications strikes again, Al-Akhbar English, 25/2/15, found online at: <http://english.al-akhbar.com/node/18775>, accessed on 3/12/15

⁷ Al-Jadeed Crew Freed after being Beaten, Detained by Customs Agents in Downtown Beirut, naharnet, 26/11/13, found online at: www.naharnet.com/stories/en/107314, accessed on: 3/12/15

⁸ More information that includes the infringements on journalists in Lebanon can be found within the Skeyes reports, found online here: www.skeyesmedia.org/en/Reports, accessed on 3/12/15

CURRENT LEGAL CONTEXT

The draft bill, submitted by National Network for the Right of Access to Information in 2010, has not been fully published and made available to the public. Dany Haddad, an advocacy coordinator for the Lebanese chapter of TI (LTA), told the press that he was unsure of the exact phrasing of the draft bill now that it had been through the parliamentary committee.⁹ The overviews of the bill focus on providing protection to whistle-blowers in the following ways:

1. Protection applies to public and private sphere.
2. Assures confidentiality of information disclosed by whistle-blowers.
3. Offers protection to whistle-blowers employment and personal safety.
4. Personal safety of the family of whistle-blowers is protected.
5. Provides compensation for violations committed against whistle-blowers.
6. If information given by whistle-blowers leads to the recovery of public funds, a mechanism exists to grant reparation to the whistle-blower.
7. Creation of the National Anti-corruption Commission (currently Lebanon does not have any governmental body that investigates corruption.¹⁰)

If ratified by the Lebanese parliament, without tampering with the central stipulations, Lebanon will have taken a significant step to providing protection for whistle-blowers and combating systemic corruption. However, a slight amendment would be required to bring the draft law in line with the UNCAC standard, in which a new article relating to the corruption training is carried out for public officials should be added. This training would focus on teaching awareness to public officials on corruption and their shared responsibility in preventing corruption so that they would be in a better position to report crimes.¹¹

INSTITUTIONAL FRAMEWORK

On October 30 2015, the Implementation Review Group (IRG) met to discuss and evaluate the areas in which the Lebanese state did not comply with the UNCAC. Their findings are as follows: "Lebanon does not have legislation on the protection of witnesses nor on the protection of reporting persons, although the civil sector has been promoting the concept and mechanisms through various on-line applications."¹² In practice, the promotion of whistle-blowers has been left to civil society, with Transparency International's Lebanese partner organisation: The Lebanese Transparency Association (LTA) taking the lead.

DOES THE LAW PROVIDE FOR THE PHYSICAL SECURITY OF WHISTLEBLOWERS?

No Lebanese law currently ensures the protection of whistleblowers.

WHAT STAGE IS THE DRAFT LAW PERTAINING TO WHISTLEBLOWERS?

The draft law has been snagged in parliamentary review boards for 5 years, only being cleared this year. It now awaits a parliamentary vote to ratify the law.

⁹ Benoist, Chloe, 'How far can Lebanon's anti-corruption initiatives go?', Al-Akhbar English, 23/7/14, found online at: <http://english.al-akhbar.com/node/20863>, accessed on: 4/12/15 and <http://english.al-akhbar.com/content/how-far-can-lebanon%E2%80%99s-anti-corruption-initiatives-go>

¹⁰ Document in Arabic: 'Lebanon- Key anti-corruption draft laws and proposals', UNDP, 1/12/13, found online at: www.undp-aci.org/publications/ac/2013/LebACDraftLaws.pdf, accessed on: 4/12/15, p.9

¹¹ The Lebanese Transparency Association, 'United Nations Convention Against Corruption Compliance Review', www.transparency-lebanon.org/Modules/PressRoom/OurPublications/UploadFile/5694_04.08.YYUncac-Final.pdf, accessed on 5/12/15, 2010, p.40

¹² Implementation Review Group, Executive Summary: Lebanon, St. Petersburg, 30/9/15, Found online at: www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/3-4November2015/V1507554e.pdf accessed on: 5/12/15

As a result of the protection gap for whistle-blowers, the LTA headed the National Network for the Right of Access to Information, which included various civil society groups with expertise in government accountability. The purpose of the group was to draft a bill that would ensure whistle-blower protection.¹³

A draft bill was successfully drafted and submitted in 2010¹⁴. However, the bill has passed through the parliamentary administrative committee at a glacial speed. As of March 2015, the bill has been approved and is awaiting ratification by the general assembly. At the time of writing, the bill has still has not been subject to a vote in the Lebanese parliament.

¹³ Information on the National Network for the Right of Access to Information can be found online here: www.transparency-lebanon.org/En/WhatWeDoDetails/5/12/0, accessed on 5/12/15

¹⁴ Lebanese National Network Submits Draft Whistle-blower Protection Law to Parliament, 10/8/10, found online at: www.americanbar.org/advocacy/rule_of_law/where_we_work/middle_east/lebanon/news/news_lebanon_draft_whistleblower_protection_law_submitted_to_parliament_0810.html accessed on 5/12/15

CONCLUSIONS AND RECOMMENDATIONS

- The Lebanese parliament should convene and ratify the anti-corruption draft bill.
- A stipulation should be added to the draft bill that mandatory training is carried out to build the capacity of public officials so that they are better able to recognise corruption.
- The National Institute of Management should carry out training programmes for public officials so that they are aware of the necessary reporting procedures which will help them fight corruption efficiently.
- Civil society organisations concerned with anti-corruption should develop a national strategy that is geared towards the education of Lebanese citizens. The education package should focus on raising awareness of the importance of reporting corruption, how to report and where they should go to report crimes.

Authors:

Transparency International

Drew Mikhael, Ph.D. Consultant,
facilitator, researcher at Drew Mikhael
Advisory

ISBN: 978-3-96076-009-2

Printed on 100% recycled paper
© 2015 Transparency International.
All rights reserved.

Transparency International
International Secretariat
Alt-Moabit 96
10559 Berlin
Germany

Phone: +49 - 30 - 34 38 200
Fax: +49 - 30 - 34 70 39 12

ti@transparency.org
www.transparency.org

blog.transparency.org
facebook.com/transparencyinternational
twitter.com/anticorruption