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Freedom on the Net 2017 - Lebanon

Country:

[Lebanon](#)

Year:

2017

Status:

Partly Free

Total Score:

46

(0 = Best, 100 = Worst)

Obstacles to Access:

14

(0 = Best, 25 = Worst)

Limits on Content:

12

(0 = Best, 35 = Worst)

Violations of User Rights:

20

(0 = Best, 40 = Worst)

Population:

6.0 million

Internet Penetration:

76.1 percent

Social Media/ICT Apps Blocked:

No

Political/Social Content Blocked:

Yes

Bloggers/ICT Users Arrested:

Yes

Press Freedom Status:

Partly Free

Key Developments:

June 2016–May 2017

- Residents of Aarsal, a northeastern town bordering Syria, have been unable to access mobile internet networks for two years (see **Restrictions on Connectivity**).
- Lebanese civil society organizations used digital tools to organize boycotts and call for the release of individuals wrongly detained for their social media posts (see **Digital Activism**).
- Activist Ahmad Amhaz was detained for seven nights in March for ridiculing the president, prime minister, and speaker of parliament in a Facebook post. At least two other Facebook users were detained under harsh defamation laws (see **Prosecutions and Detentions for Online Activities**).
- Hackers defaced the website of the Lebanese Medical Association for Sexual Health shortly after the organization launched a pro-LGBTI campaign (see **Technical Attacks**).

Introduction:

Internet freedom declined in Lebanon due to a permanent shutdown on mobile networks in the northeastern border town of Aarsal that has deprived its 160,000 residents of affordable internet access for two years.

The National Assembly elected Michel Aoun as president of Lebanon in October 2016, ending a two-year vacancy.¹ Saad Hariri was subsequently appointed prime minister and a new unity cabinet was approved by parliament in December. The change in administration led to a shakeup in the country's telecommunications sector, which had its reputation damaged in March 2016 after unlicensed internet service providers (ISPs) were discovered to be illegally reselling high-speed access directly from Turkey and Cyprus.² Abdel-Moneim Youssef, who headed the state-owned ISP OGERO while simultaneously serving as a director general in the telecommunications ministry, is under investigation for his alleged role in the multimillion dollar scandal.³⁴

Lebanese citizens have some of the worst internet speeds in the world. Civil society activists have used social media to protest against the high cost of mobile internet, organizing a one-day boycott of telecommunications services in one case. But for some, internet access over mobile networks is totally unavailable. The town of Aarsal, home to a significant number of Syrian refugees, has been without mobile internet since August 2015. Located in the Bekaa Valley, the town has been marked by fighting from the ongoing Syrian civil war. Access was reportedly shut down after Islamist militants captured and killed Lebanese soldiers.⁵

Activists and journalists face potential arrest, interrogation, and threats for online speech criticizing the government, religious officials, or the army. The Bureau of Cybercrime and Intellectual Property Rights remains highly active in targeting activists, often in a manner that demonstrates little respect for the rule of law. Around 50 websites have been blocked for two years, including a lesbian community forum. In addition to content related to escort services, gambling, or alleged child sexual abuse, 11 Israeli sites are also blocked under an anti-Israel decree dating from 1963. Surveillance remains a strong concern in the country, particularly given the impunity of the security forces and a perceived lack of transparency and accountability in all areas of government.

Obstacles to Access:

Lebanon suffers from poor infrastructure, low internet speeds, and a digital divide between urban and rural areas. Growth and investment in the telecommunications market is inhibited by state-run monopolies and the country's general climate of dysfunction and corruption in the public sector. Nonetheless, the new government has outlined proposals to increase internet speeds and decrease the cost of broadband.

Availability and Ease of Access

According to the International Telecommunication Union (ITU), an estimated 76 percent of individuals used the internet in Lebanon as of 2016, a marked increase from 52 percent in 2011. The country has 53.43 mobile broadband subscriptions per 100 inhabitants, ranking Lebanon 73rd out of 192 countries worldwide, a significant decrease from its rank of 57th in 2014.⁶

Internet subscription prices are set by the government. In July 2014, a decree by the Ministry of Telecommunications lowered fees on broadband by 44 to 68 percent, depending on bandwidth rates.⁷ Mobile phone providers also expanded the capacity of broadband bundles between 55 percent and 300 percent without raising prices. Companies offered a 500 megabyte bundle at the fixed price of US\$10 (excluding value-added tax) for both fixed and prepaid mobile users.⁸ Internet Service Providers (ISPs) cannot lower prices unless a decree is issued by the Ministry of Telecommunications.⁹ Tariff decree number 6297, adopted on November 9, 2011, allowed for 20 percent discounts on DSL prices in educational institutions, and decree number 8058, issued on April 25, 2012, made internet access free between midnight and 7 a.m. and free all day in public parks.¹⁰

A “Digital Telecom Vision 2020” plan to renovate telecommunications infrastructure launched by former telecommunications minister Boutros Harb in 2015 appears to have lapsed with the change in administration;¹¹ there was no mention of the project this year and its website is no longer active.¹²

However, In December 2016, Prime Minister Hariri announced that improving the nation’s internet was at the forefront of his policies¹³ and promised to increase internet speeds twenty-fold.¹⁴ In April 2017, the head of the state-owned fixed-line provider announced price decreases and faster internet speeds, although these cannot be instituted without government approval.¹⁵

Restrictions on Connectivity

The Lebanese government maintains a monopoly over the internet backbone, as well as over the fixed and mobile telephone industry in general, allowing it to exercise tight control over ISPs. Lebanon has three international border gateways—in Beirut, Jdeideh, and Tripoli—where three underwater fiber-optic cables connect the country via the IMEWE, Cadmos, and Berytar cables.¹⁶ The gateways are operated by OGERO.

Arsal, a border town in northeast Lebanon, has been without mobile internet since August 2015. Home to 160,000 residents, mobile internet access was reportedly shut down after Islamist militants captured and killed Lebanese soldiers.¹⁷ While OGERO continues to operate in the town, the installation and monthly fees to obtain fixed-line internet service are exorbitant for the residents of Arsal, which has one of the highest poverty rates in the country. For this reason, the mobile internet shutdown has effectively cut off the town.

In 2010, OGERO installed equipment to block Voice over Internet Protocol (VoIP) throughout the network, but subsequently backed down under pressure from businesses, civil society, and politicians. In what appears to be an exception, the VoIP service Vonage was since blocked, although other VoIP services such as Skype and WhatsApp are available.¹⁸ VoIP services are restricted by law under the 2002 Telecom Act¹⁹ and the government has been somewhat vague as to its enforcement.²⁰

ICT Market

The Lebanese telecommunications industry is government-owned and tightly regulated. In addition to running the backbone, OGERO sets internet prices and collectively manages subscriptions for two dozen private ISPs.²¹ Lebanon has two government-owned mobile phone companies, Alfa and Touch, which are run by the private companies Orascom Telecom Holdings and Zain, respectively.²² Because the government sets prices and issues permits for the number of subscriptions allowed, there is little competition in the industry, and the two companies split the market evenly between themselves.²³ The fixed-line telephone and internet network is owned and operated by OGERO, from which all companies must purchase services.

Since no law regulates their licensing, private ISPs currently obtain a permit by decree from the Ministry of Telecommunications.²⁴ Crucially, political influence can significantly interfere with the allocation of contracts to private ISPs and mobile phone operators.²⁵

Lebanese authorities recently discovered that some companies had installed large amounts of equipment in several areas in order to provide illegal internet services from foreign-based connections. Former telecommunications minister Boutros Harb issued several complaints to the public prosecutor in an effort to put an end to “people extending internet services through illegal means.”²⁶

Regulatory Bodies

Lebanese media and telecommunications are regulated by two semi-independent advisory bodies that report to the Council of Ministers. The National Council for Audiovisual Media and the Committee for Establishing Model Bylaws and Practices deal mainly with audiovisual media (TV, radio, and satellite), while the Telecommunications Regulatory Authority (TRA) is responsible for liberalizing, regulating, and developing the telecommunications sector. In theory the TRA is independent from the government, but in reality, dominant Lebanese political groups possess a great deal of influence over the institution, often rendering it powerless.²⁷ For this reason, the Ministry of Telecommunications remains the strongest player in the ICT domain. In fact, the past three telecommunications ministers have gone so far as to claim that the TRA has no real authority, given that the law establishing its powers has not yet been implemented.²⁸ Tellingly, since its launch in 2007, many of the TRA’s objectives have not been met, including the transition from analog to digital networks and the privatization of the telecommunications sector.

The new political coalition dismissed Abdel-Moneim Youssef from his two posts as head of OGERO and Director-General of Investment and Maintenance at the Ministry of Telecommunications. Youssef is now under investigation for waste of public funds and negligence as a result of the discovery of an illegal internet network

in March 2016.²⁹ The government appointed Imad Kreidieh as the new head of OGERO and Bassel Al-Ayyoubi as director-general of investment and maintenance at the telecommunications ministry.

Limits on Content:

Lebanon does not engage in significant filtering of internet content. Fifty websites were reportedly blocked over the coverage period, mainly for content related to escort services, Israel, and gambling. Websites owners, particularly news sites, often receive informal removal requests from public officials or powerful figures. Despite these limitations, Lebanon retains one of the most diverse digital landscapes in the Arab world, and several nongovernmental organizations engage in digital activism on political and social issues.

Blocking and Filtering

The blocking of political, social, or religious speech is infrequent, but a few dozen websites have reportedly been blocked for over two years for violating local laws, though with some variation depending on the ISP.³⁰ These include:

- A forum for lesbians in the Arab region. Article 534 of the penal code criminalizes “sexual intercourse contrary to the order of nature” with up to one year in prison, and has been used to prosecute LGBTI (lesbian, gay, bisexual, transgender, and intersex) individuals,³¹ though in 2017 a judge said gay relationships should not be subject to punishment (see “Media, Diversity and Content Manipulation”).
- 2 websites for breaching copyright, following a request from the U.S. government;
- 8 gambling websites, in accordance with Law 417 of 1995, which gives a single casino exclusive rights to the gambling industry;
- 11 Israeli sites, in accordance with Decree 12562 of April, 19, 1963, which called for the boycotting of Israel;
- 23 websites related to escort services, blocked in accordance with articles 523 and 524 of the penal code;

A separate decision to block six pornographic websites for child abuse imagery drew the ire of some digital rights activists for the way that they were chosen.³² According to reports, the order came after an alleged child molester in Lebanon was reported to the Bureau of Cybercrimes by a police station in Manchester, UK. Sources from the Bureau revealed that the websites were chosen because they appeared in the browser history of his personal laptop, and not necessarily because they published child abuse imagery.³³ A prominent Lebanese blogger and social media expert said the sites were unlikely to feature child abuse imagery, given that they are not censored in other countries that ban such imagery under international norms.³⁴

Websites are blocked by court order. The court files any complaints it receives with the Cybercrimes Bureau for further investigation, later issuing a final order to the Ministry of Telecommunications, which then blocks the websites through OGERO. Website owners are not notified that their websites have been blocked; nonetheless, they must appeal the blocking within 48 hours in order to have it overturned. In November 2014, the head of the Cybercrimes Bureau stated that it was monitoring terrorist content and that it had the ability to filter this content.³⁵ Digital media specialists in Lebanon have expressed doubt over the bureau’s abilities in this regard, though the overreaching intention to filter the web remains a cause for concern for some.

YouTube, Facebook, Twitter and international blog-hosting services such as WordPress and Blogger are freely available. In fact, Facebook, Google, YouTube, Microsoft’s Live.com, and Wikipedia rank among the top 10 most visited websites in Lebanon.³⁶

Content Removal

Government security officials periodically pressure individuals and ISPs to remove certain comments—mainly criticism of government officials or the army—from social media pages, blogs, or websites. Four netizens arrested during this period were forced to remove content they had posted (see “Prosecutions and Detentions for Online Activities”).

In a separate case, Justice Minister Salim Jreissati ordered Lebanese popstar Myriam Klink to remove her recent music video, “Goal,” deeming it too sexually explicit, among other issues.³⁷ He had held a meeting with Information Minister Melhem Riachi one day before the decision. A press statement from the justice ministry announced that displaying, distributing, or circulating the music video online was strictly prohibited under penalty of LBP 50 million (\$33,105).³⁸

According to Twitter's transparency reports, the Lebanese government did not make any removal requests during the coverage period. A government agency did report two accounts to the company in early 2016, however the company did not remove any content as a result.³⁹ Google received one takedown request from a Lebanese court in June 2016 related to its Panoramio photo-sharing product, but said it removed no content.⁴⁰

Media, Diversity and Content Manipulation

Despite evidence of some filtering, taboo subjects that would normally be banned from mainstream media outlets, such as pornography, content supportive of Israel, and sectarian hate speech, are generally available online. However, self-censorship is prominent in the blogosphere and in the country's top media outlets, which are owned by powerful figures across the political spectrum. Users often fear repercussions from the government or certain political and sectarian groups.

Recently, work by pro-LGBTI groups has resulted in a sustained conversation on political rights in the country, particularly after a judge ruled "homosexuality is a personal choice, and not a punishable offense" in January 2017. Although Article 534 of the penal code criminalizes sexual relations that "contradict the laws of nature,"⁴¹ the judge referenced Article 183, which states "An act undertaken in exercise of a right without abuse shall not be regarded as an offense." However, attitudes towards homosexuality remain repressive in Lebanese society⁴² and pro-LGBTI groups face intimidation and discrimination, particularly from the country's conservative religious groups.⁴³

Lebanese users have access to a wide variety of local and international information sources. Reflecting Lebanon's pluralistic society, Lebanese media is highly partisan and controlled by the dominant political-sectarian actors, mainly through direct ownership of prominent media outlets.⁴⁴ For example, former Prime Minister Saad Hariri owns Future TV, *al-Mustaqbal*, *the Daily Star*, and a host of other online and offline media outlets. Similarly, Speaker of Parliament Nabih Berri owns National Broadcasting Network and its affiliates, while the Shiite militant group Hezbollah controls a vast network of media outlets, including al-Manar TV and al-Nour radio. Dominant political figures choose the heads of these outlets, and their news content clearly advances a particular partisan message.

While ensuring plurality, this also creates a climate in which the public sphere is dominated by the agendas of powerful political-sectarian leaders and their allies, suffocating the voices of those who fall outside the main groups.⁴⁵ At the same time, politicians are known to bribe the few independent news outlets and journalists that do exist, particularly during election periods. Independent digital media outlets struggle for sustainability due to Lebanon's relatively weak digital advertising market. The majority of advertising revenue continues to come from television and other traditional media, while digital sources only made up around 13 percent of total advertising spending as of 2015.⁴⁶ One of the main obstacles in boosting the digital advertising market is Lebanon's slow and unreliable internet.⁴⁷

Digital Activism

The use of social media for digital activism is prevalent in Lebanon. Lebanese civil society organizations use digital tools to create online petitions and generate campaigns calling for the release of individuals wrongly detained for their social media posts. For example, the hashtag #AStatusIsNotACrime began in the wake of the arrest of Bassel Amin in December 2016 and continued to be used to campaign against other detentions related to free speech issues (see "Prosecutions and Detentions for Online Activities").

In 2017, Lebanese civil society organizations also used digital communications to organize the country's first LGBTI sexual health week, using videos to call out homophobia and call for the full repeal of Article 534, which criminalizes sexual relations that "contradict the laws of nature."⁴⁸

A hashtag meaning "the last time there were elections" trended on Twitter in March 2017 as activists and ordinary citizens aired grievances about the long-postponed legislative elections.⁴⁹ On June 14, parliament approved a new election law and announced elections would be held in 2018.⁵⁰

Anti-corruption campaigners also called for a boycott of mobile phone operators as part of what was described as a "polite struggle" against the telecommunications ministry. The movement's leaders called on customers of the state-owned Alfa and Touch companies to refrain from connecting their phones to mobile networks for one day, instead relying solely on Wi-Fi. The campaign used the hashtags meaning "close your line" and "I will close my line".⁵¹

In addition, after it was discovered that the town of Aarsal has been without internet access for years, Lebanese digital rights organization SMEX joined Access Now's campaign to raise awareness of internet shutdowns around the world.⁵²

Violations of User Rights:

In view of the absence of a legal framework on user rights, the lack of personal data laws and regulations, and Lebanese security agencies' ability to access to telecom data without due process, users remain vulnerable to surveillance. At the same time, the Cybercrime Bureau continues to interrogate and detain individuals for their online speech. While no internet user has been sentenced to prison for expressing their ideas on online platforms, several individuals have been detained and charged under defamation and libel laws. These charges continue to loom over them, even after their release from temporary detention, mainly as an intimidation tactic.

Legal Environment

The Lebanese Constitution guarantees freedom of expression, freedom of assembly, and freedom of the press, within the limits of the law. No legal provisions relate specifically to online speech, although many activists have been anticipating a new law for over a decade. Three serious attempts to develop new media laws have generated heated national debates in the past seven years, although none so far have led to any concrete results.⁵³ In 2016, the Court of Cassation ruled that social media posts would not fall under the jurisdiction of the Publications Court, but are punishable under the penal code.⁵⁴

From a legal perspective, the most serious threat to internet users and online journalists remains the country's slander and libel laws. Article 384 of the penal code proscribes imprisonment of six months to two years for insulting the president, flag, or national emblem. Articles 383 to 386 outline criminal penalties for contempt, slander, and libel of public officials. The appeals process is often drawn out and highly politicized. In practice, however, most users targeted with such accusations are quickly released, or cases are dropped under public or political pressure.

Prosecutions and Detentions for Online Activities

While individuals are rarely sentenced to prison for online speech in Lebanon, several were briefly detained over the past year. The Public Prosecutor often orders security forces to detain and intimidate netizens at the Cybercrime Bureau. The bureau was established in 2006 without a legislative decree outlining its activities or defining what constituted a "cybercrime."⁵⁵ Security forces often pressure social media users to apologize, delete controversial content, and sign a letter promising not to commit further "criminal" acts in the future. Although local activists say some cases have reached trial, public information about their status was not available in mid-2017.⁵⁶

Activist Ahmad Amhaz was arrested on March 21, 2017, over a Facebook post that allegedly insulted the President under Articles 383, 384, and 386 of the penal code. In apparent reference to President Aoun, Prime Minister Hariri, and Speaker Berri, Amhaz stated, "There are three animals currently ruling the country: A crocodile ... a donkey ... and one that hasn't been revealed yet." He was detained for seven nights, during which time a number of human rights and free speech organizations organized a press conference calling for his release.⁵⁷ On March 28, Prime Minister Saad Hariri tweeted that after talking to President Aoun, both had agreed to revoke their rights in the case.⁵⁸ The next day, Amhaz was released on bail. Some reports indicated he would still face trial.⁵⁹

Hassan Saad was detained on January 28, 2017 for a Facebook post accusing the prime minister, speaker of the house, and the president of misusing public funds. He was charged under Article 384 of the penal code and released on bail after spending five nights in Sidon police station. As of mid-2017, his case was still open.⁶⁰

Bassel Amin was detained on December 6, 2016 over a Facebook post that was considered defamatory against Lebanon, the state, the flag, the president, and the national emblem, the cedar. During his arrest, activists started a campaign and an online petition.⁶¹ His post stated, "The shoes of a Syrian refugee, worker and citizen are worth more than your [Lebanese] republic, your cedar, your Lebanon, your right-wing, your independence, government, history, and revolution and your presidents. Got it?" Bassel spent six nights in jail before being released, but his case remained open as of mid-2017.⁶²

The Cybercrime Bureau arrested Ramzi al-Qadi after he tweeted that victims of an attack on an Istanbul nightclub on New Year's Eve deserved to die because they were drinking. The victims included Lebanese citizens. Al-Qadi spent over a week in custody on vague charges related to threatening civil peace, public stability, and even terrorism, according to Major Suzan Hajj, head of the bureau.⁶³

Surveillance, Privacy, and Anonymity

The Lebanese constitution protects privacy through Article 14 on the inviolability of "the citizen's place of residence," in addition to Articles 8 and 13 on individual liberty and free speech. More direct protections are

outlined in the Eavesdropping Law, last amended in 1999, which references the guaranteed secrecy of both wired and wireless communications. The only legal framework for surveillance is the Eavesdropping Law last amended in 1999. In a report from December 2016, Lebanese digital rights organization SMEX published a list of surveillance software employed by the Cybercrime and Intellectual Property Unit, the Information Branch at the Internal Security Forces (ISF), Military Intelligence, and General Security.⁶⁴

The power to authorize the collection of communications data was transferred from the telecommunications minister to the Council of Ministers in September 2014.⁶⁵ That month, the Council of Ministers subsequently vested security agencies with the authority to access communications metadata without a court order. The Council of Ministers later extended that order by one year in April 2016.⁶⁶

The General Directorate of General Security adopted biometric passports in 2016.⁶⁷ Civil society groups have expressed concern over the lack of legal privacy safeguards and parliamentary oversight over systems used to store citizens' data.⁶⁸

Intimidation and Violence

Violence in retaliation for online speech has been comparatively rare, but bloggers and internet users operate in a climate where intimidation is common, as do journalists working for the traditional media. In one recent reported example, a bodyguard employed by the speaker of the house threatened Riad Kobeissi, an investigative reporter with al-Jadeed TV.⁶⁹ Hundreds of supporters of the Amal political movement also attacked the office of al-Jadeed TV after a comedy show broadcast by the channel allegedly insulted Amal leaders.⁷⁰

Technical Attacks

Unknown hackers defaced the website of the Lebanese Medical Association for Sexual Health (LebMASH) shortly after the organization launched a pro-LGBTI campaign. The website was defaced with homophobic language and expletives against Palestine and Lebanon by hackers purporting to be from Israel. A LebMASH board member noted the cyberattack would force the small organization "to spend a large amount of money rebuilding and fortifying our website."⁷¹ Beyond the human rights community, Lebanon has seen a 4,000 percent increase in cyberattacks over the past five years, according to an ICT security officer working within the government.⁷²

Notes:

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⁴ "OGERO rebuffs accusations over illegal internet network," National News Agency, April 7, 2016, <http://nna-leb.gov.lb/en/show-news/59581/OGERO-rebuffs-accusations-over-illegal-internet-network>.

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15 Najib Mitri, "Quick Recap from Ogero Head's Q&A Facebook Session," Blog Baladi, April 6, 2017, <http://blogbaladi.com/quick-recap-from-ogero-heads-qa-facebook-session/>.

16 Livia Murray, "Four reasons Lebanon's internet is so slow," *Executive Magazine*, April, 8, 2015, <http://bit.ly/1aufiXc>.

17 Elham Barjas, "Two Years of Collective Punishment: Mobile Data Remains Inaccessible to Aarsal Residents", Social Media Exchange, March 31, 2017. <https://smex.org/two-years-of-collective-punishment-mobile-data-remains-inaccessible-to-aarsal-residents/>.

18 Telecoms 2013 Progress Report, January 3, 2014, <http://bit.ly/1oa28kP>.

19 Imad Atalla, "Lebanon is stifling your digital freedom," *The Daily Star*, June 8, 2010, <http://bit.ly/1QoURu9>.

20 Telecoms 2013 Progress Report, January 3, 2014, <http://bit.ly/1oa28kP>.

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23 "The Next Step," *The Business Year*, <http://www.thebusinessyear.com/publication/article/2/48/lebanon-2012/the-next-step>.

24 According to the Telecommunications Regulatory Authority (TRA), it is TRA's prerogative to assess and grant license to ISPs, but the past three ministers of telecommunication have considered that the TRA has no legal authority to do so, and the ministry has used an old law as a basis for their right to grant such license. See below for conflicts between the TRA and the Telecommunications Ministry.

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26 "Lebanon telecoms minister launches crackdown on illegal internet providers," *The Daily Star*, March 8, 2016, <http://bit.ly/2oOzM4Y>.

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28 Sami Halabi, "Redialing discord?" *Executive Magazine*, July 3, 2011, <http://bit.ly/1JUw5xC>.

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- ³⁶ Alexa, "Top Sites in Lebanon," accessed October 16, 2016, <http://www.alexa.com/topsites/countries/LB>.
- ³⁷ Fionn Hargreaves, "Fans who share raunchy music video of a Lebanese pop star writhing on a bed are threatened with a \$32,000 fine by the country's justice department," *Daily Mail*, March 6, 2017. <http://dailym.ai/2qe2Lmz>.
- ³⁸ "Myriam Klink's provocative music video banned by Minister of Justice", *Daily Star*, March 4, 2017. <http://bit.ly/2qlzz9t>.
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