

A Guide to Addressing Religious Issues in Traditional and Social Media Away from Hate Speech



In partnership with

مهارات
Maharat

Adyan Foundation 2020

Under the supervision of

Professor Fadi Daou

Members of the research team

Dr. Wael Abu Najm

Mr. Mohammed Al-Arab

Ms. Layal Bahnam

Ms. Tania Awad Ghorra

Ms. Ana Maria Daou

2020 © All rights reserved to Adyan Foundation
Beirut - Lebanon

Website: www.adyanfoundation.org
Email: contact@adyanfoundation.org
Phone: 009611490406



British Embassy
Beirut

This guide was developed within the framework of the Forum for Religious Social Responsibility, in cooperation with Maharat Foundation and with the support of the British Embassy in Lebanon.

The content of this guide does not necessarily reflect the opinion of Adyan Foundation, the donor, or the members of the research team.

“Religious leaders have a responsibility to prevent and end hate speech and incitement to violence.”

UN Secretary-General António Guterres

Tweet marking the launch of the Fez Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes (2017)

Index

Foreword	5
Section One: The Concept of Hate Speech	6
1. Freedom of Opinion and Expression	7
2. What is Hate Speech?	8
3. Types and Criteria of Hate Speech	9
4. Hate Speech and Religion	11
5. Public Policies and Community Initiatives Countering Hate Speech	12
6. The Role of Individuals in Countering Hate Speech	13
References	14
Section Two: Problematics Related to Religious Discourse in Lebanese Media	15
1. Religious Discourse in Newspapers and Radio and Television Newscasts	16
2. Religious Discourse in Social Television Programs	17
3. Religious Discourse in Religious Media Outlets	17
4. Religious Discourse on Social Media	18
5. Media Institutions' Responsibility to Confront Hate Speech References	18
References	19
Section Three: Media Ethical Framework in the Face of Hate Speech	20
1. Dos	21
2. Don'ts	22
References	24
Section Four: Confronting Hate Speech in the Lebanese Legal Framework	25
1. Stirring Up Confessional or Racial Strife	26
2. Blasphemy	28
References	30

Foreword

This guide was developed within the framework of the initiatives launched by members of the Forum for Religious Social Responsibility at Adyan Foundation¹. The Forum offers a platform that allows activists in the religious field to meet and develop meaningful initiatives that serve society and promote living together under the umbrella of inclusive citizenship. The Forum also provides a space for interaction and experience-sharing between male and female activists of various religious affiliations working in this field, and for expanding their knowledge networks, building cross-sectarian relations, and enhancing cooperation opportunities.

The spread of hate speech, especially through traditional and social media, is a human and moral scourge, and a challenge to stability and social cohesion. This challenge is compounded in Lebanon due to the interconnectedness of confessional, religious issues and political conflicts—a situation that different parties have been exploiting to turn people against each other.

Whereas the right to freedom of opinion and expression remains the main building block that we need to uphold and advocate for, the Forum for Religious Social Responsibility took the initiative to develop this guide with the aim of confronting the scourge of hate speech, to preserve coexistence and respect diversity and difference, without slipping towards incitement to enmity or violence.

This guide aims therefore to promote addressing religious issues in traditional and social media away from hate speech, by defining this speech based on international instruments and agreements and local policies, and discussing the problematics associated with religious discourse in the Lebanese media, in addition to presenting the moral and legal frameworks to confront hate speech. In addition to media figures working in the religious field, this guide can benefit all activists in media, the religious public spheres, and even all citizens, since everyone today shares this responsibility because of social media.

1. A team from the Forum launched the initiative, suggested working on this issue, and conducted the preliminary research. The team members are: Mohammed Al-Arab, Qassem Kassir, Marwan Al-Mays, and Sally Dankar. A team of specialized researchers, whose names appear on the first page, went on to develop the final content of this guide.

Section One

The Concept of Hate Speech



1. Freedom of Opinion and Expression

The Universal Declaration of Human Rights enshrines freedom of opinion and expression in its nineteenth article:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

This freedom is an essential building block of societies, as it guarantees individuals

- The right to difference of opinion
- Access to information
- The right to express this openly through various means and both in private and public spheres, such as:

- Words
- Publications
- Arts
- Media, advertising and social media
- Public platforms, and others.

This is necessary to:

- Nurture an honest dialogue
- Promote intellectual development and cultural interaction

- Confront injustice and achieve democracy and justice for all.

Freedom of opinion and expression also encompasses some aspects that may constitute an intellectual or literary challenge for some people, such as:

- Differences and contradictions in ideas and viewpoints
- Differences in the description of events
- Rejection and free criticism of the opinions and beliefs of others.

This is best displayed through free media and social media platforms, which constitute an open space for discussion, competition or challenge, and for intellectual battles between different individuals or schools of thought.

Regarding the protection of freedom of expression, some societies and countries go so far as to guarantee the right to satire (such as: satirical programs, cartoons, etc.), as it represents a kind of social challenge to “taboos” that may, by virtue of their existence, pose unjustified limits to individuals’ freedom. Some of those in power – whether in the political or the social sphere – may surround themselves and their ideas with an aura of “holiness” to prevent any criticism of their person or

their beliefs, while freedom of opinion and expression is based on two parallel principles:

- On the one hand, acknowledging the right of every individual to enjoy freedom of thought, belief and conscience, including social, political, religious, philosophical and other affairs, and his/her right to freely express this
- On the other hand, admitting that no one has the right to impose his/her point of view or belief on the grounds that it is an absolute truth, which everyone should either adopt or refrain from criticizing.

While adopting the principle of freedom of opinion and expression as the basis for the rights of individuals, the Universal Declaration of Human Rights also set some parameters for the exercise of this right, the most important of which are:

- Preserving the security of persons (Article 3)
- Rejecting cruel and degrading punishment (Article 5)
- Protecting against any incitement to discriminate against one person's equal right to protection before the law (Article 7)
- Protecting against arbitrary interference into their privacy or attacks upon their honor and reputation (Article 12).

"In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society." (Article 29, paragraph 2)

Freedom of opinion and expression is therefore **absolute in relation to ideas, opinions and beliefs**, but is **bound by respect for persons and their dignity and safety**, and to the recognition of their equal right to this freedom. There are also restrictions that may be stipulated by laws, provided they are fair and adopted within a democratic framework, keeping them open to criticism and change.

2. What is Hate Speech?

With the increase in identity-based conflicts and the proliferation of spaces to express opinions, such as satellite television stations, electronic and social media, the danger of "hate speech," has become evident. These perceptions may eventually lead to negative stereotyping of groups of people, to their violent treatment, persecution and death. For this reason, global

awareness has grown about the need to continue the search for a **balance between freedom of expression**—as a basic and fundamental right for all people—and **the protection of individuals and societies from discrimination and violence** due to the spread of hate speech.

According to Article 20 of the International Covenant on Civil and Political Rights issued in 1966:

1. Any propaganda for war shall be 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.

In 2019, the United Nations released its Strategy and Plan of Action on Hate Speech which defines hate speech as **“any kind of communication in speech, writing or behavior, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, color, descent, gender or other identity factor.”**

It appears, then, that international law criminalizes hate speech when it includes incitement

to discrimination, hostility or violence only, based on national, racial or religious affiliations of persons. However, the United Nations strategy – which developed a broader definition of hate speech that can extend to any dimension of the identity of individuals or groups including color, descent and gender – called for cooperation in order to combat this type of speech and limit its spread in society without compromising on freedom of expression, in addition to avoid sliding towards incitement and violence.

3. Types and Criteria of Hate Speech

According to the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, which was issued in 2012, a distinction should be made in the legislative framework on implementing the prohibition of hate speech, between three types of expression (Paragraph 20):

1.Expression that constitutes a criminal offence

2.Expression that is not criminally punishable, but may justify a civil suit or administrative sanctions

3. Expression that does not give rise to criminal, civil or administrative sanctions, but still raises concern in terms of tolerance, civility and respect for the rights of others.

The Plan of Action proposed therefore a six-part threshold test for judicially determining incitement to hatred (Paragraph 29):

1. Context: The speech act should be placed within the social and political context prevalent at the time the speech was made and disseminated

2. Speaker: The speaker's position or status in society should be considered, specifically the individual's or organization's standing in the context of the audience to whom the speech is directed

3. Intent: The existence of the intention to incite and invite the public to acts of hostility should be verified. Negligence and recklessness alone are not sufficient for an act to amount to an offence even with the distribution and circulation of material. This rather requires the activation of a triangular relationship between the object and subject of the speech act as well as the audience

4. Content or form: The content and the degree to which the speech was provocative and direct should be analyzed

5. Extent of the speech act: The reach of the speech act, its public nature, its magnitude and size of its audience, its means of dissemination, the quantity and the extent of the communications

6. Likelihood including imminence²: Incitement is an inchoate crime. The action advocated through incitement speech does not have to be committed for said speech to amount to a crime. Nevertheless, some degree of risk of harm must be identified.

These criteria aim to curb any broad definition of incitement to hatred in national laws, to prevent the possible arbitrary application of these laws, or their exploitation to impose unjust restrictions on freedom of expression.

2. Imminent: ready to take place, happening soon.

4. Hate Speech and Religion

The growing awareness, literature and reference texts on hate speech, especially in the last two decades, have aimed to:

- Actively contribute to reducing discrimination against religious groups
- Ensure freedom of belief and religion for all
- Strengthen the protection of all from religious-based persecution and violence.

Religious authorities, educators, and activists in this field also have the responsibility to:

- Make sure religious literature and discourses within their communities are free of incitement to hatred against others
- Rid these discourses of such incitement language by developing them
- Promote the religious rooting of the concepts of pluralism and religious freedom in these discourses.

According to the Rabat Plan of Action (Article 17), it would be impermissible to use laws

prohibiting incitement to hatred "to discriminate in favor of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers." The Plan of Action also adds that **"nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith."**

Therefore, the Rabat Plan of Action notes that at the national level (Article 19), **blasphemy laws** are counterproductive, as they may lead de facto or due to overzealous application, to:

- Censuring all inter-religious or belief and intra-religious or belief dialogue and debate
- Censuring critical thinking most of which could be constructive, healthy and needed
- Discriminating between religions or persecuting religious or non-religious minorities.

5. Public Policies and Community Initiatives Countering Hate Speech

Although important and necessary, legislative work remains part of a wider array of public policies, tools and various initiatives to counter hate speech and promote social awareness of the right to difference, pluralism, and public debate. In addition to state responsibility at various levels, the Rabat Plan of Action (Articles 36-41), together with other international instruments, determined a set of societal priorities, most notably:

- Strengthening the capacities of different communities to access and express a range of views and information, and embrace healthy dialogues and debates.

- Political and religious leaders should refrain from using messages of intolerance or expressions that may incite violence, hostility or discrimination

- Governments have the responsibility to ensure space for minorities to enjoy their fundamental rights and freedoms, for instance by facilitating registration and functioning of minority media organizations

- Promoting areas of intercultural dialogue and education on pluralism and diversity

- Developing school curricula to include education on media literacy, social communication, and countering hate speech

- Encouraging the work of specialized bodies, civil society and independent monitoring institutions in their efforts to combat hate speech, find facts and achieve reconciliation

- Enhancing the contribution of positive traditional values that are compatible with human rights standards, in countering incitement to hatred.

6. The Role of Individuals in Countering Hate Speech

Individuals have a personal responsibility to enhance their capabilities, skills, and nonviolent communication, to avoid resorting to or spreading hate speech, and to contribute to protecting society from its effects. This requires:

- Adhering to the values of freedom, pluralism and respect for difference
- Recognizing the freedom of belief and religion for all
- Committing to positive dialogue, using logical arguments, rejecting ideological unilateralism and the imposition of one's own views on others
- Seeking to resolve disputes through peaceful means
- Rejecting mainstreaming or stereotyping of groups with negative discriminatory descriptions
- Having the courage to take moral and ethical positions in public, and defend the rights of the oppressed, whoever they are

- Confronting hate speech by naming it, and warning about its danger when hearing or reading it

- Highlighting the danger of dissension, discord and divisions, and revealing the extent and level of their gravity to everyone

- Being open to and establishing communicative relationships with all segments of society, without any prejudice or bias.

References

[Universal Declaration of Human Rights, the United Nations, 1948](#)

[International Convention on the Elimination of All Forms of Racial Discrimination, the United Nations, 1965](#)

[International Covenant on Civil and Political Rights, the United Nations, 1966](#)

[The Rabat Plan of Action, Office of the United Nations High Commissioner for Human Rights, 2012](#)

[The six-part threshold of hate speech, Office of the United Nations High Commissioner for Human Rights, 2012](#)

[The Fez Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes, United Nations Office of the Special Advisor on the Prevention of Genocide, 2017](#)

[Beirut Declaration and its 18 commitments on “Faith for Rights”, Office of the United Nations High Commissioner for Human Rights, 2017](#)

[The United Nations Strategy and Plan of Action on Hate Speech, United Nations Office of the Special Advisor on the Prevention of Genocide, 2019](#)

[Christchurch Call to Action to Eliminate Terrorist and Violent Extremist Content Online, Office of New Zealand Prime Minister Jacinda Ardern, 2019](#)

[First regional workshop on addressing hate speech in social media, Office of the United Nations High Commissioner for Human Rights, 2019](#)

Section Two

Problematics Related to Religious Discourse in Lebanese Media



In Lebanon, hate speech is linked to various topics and backgrounds. Sectarian and confessional policies, and the direct or indirect involvement of religious affiliations in the political conflict, are attributed to the association of hate speech with religious backgrounds and topics.

Based on a series of studies conducted by Maharat Foundation since 2015, which analyzed media content and discourse of religious media and social media, a set of problematics emerge that are specific to religious discourse in the Lebanese context.

1. Religious Discourse in Newspapers and Radio and Television Newscasts

- Religious discourse has a strong presence in newspapers and radio and television newscasts.

- Media outlets do not approach an event with a religious or confessional dimension from the same perspective in their titles and narrations, the interpretation of these events being different, or even contradictory.

- The diverse cultural and religious groups in Lebanon are addressed within the political context.

- There is no direct religious incitement speech in the media. However, media discourse is sometimes accusatory with political and confessional dimensions.

- At any negative or positive sign, the media tends to employ the religious discourse to portray Lebanon as a symbol of tolerance and coexistence, on the one hand, and to stress that political dialogue between different confessions is “necessary” to enhance security and stability, on the other hand.

- In the course of events, fear dominates different confessions’ discourse, with each confession referring to projects in which it perceives others as a threat to its existence, influence, presence and representation.

- The interconnectedness of the religious and the political discourse cannot be separated from figures who produce and transmit this discourse.

- Most media outlets present diversity and the different other, either as a source of wealth or as a threat.

2. Religious Discourse in Social Television Programs

- The clergy dominates the space allocated to religious issues in most social programs, matched by the weak participation of specialists or public service workers.
- The presence of clergymen from the three major confessions (Maronite, Sunni, and Shiite) is dominant with almost a complete absence of representatives of other Muslim and Christian communities, with the exception of the Druze community regarding topics specific to it.
- The search for sensationalism in media programs explains the large space given to clerics with an extremist discourse and controversial approaches to religious issues.
- Dialogues and debates take place bilaterally, either between Sunnis and Shiites, or between Muslims and Christians.

3. Religious Discourse in Religious Media Outlets

- Although the Audiovisual Media Law avoided legislating religious media, this did not prevent the development of religious media institutions, which imposed themselves with the help of confessional authorities, some of whom succeeded in obtaining licenses for such outlets.
- Religious media – like civil media – can contribute to consolidating civil peace and promoting national unity.
- Most religious media programs are oriented towards guidance, counseling, and mobilization.
- Most of the media messages conveyed by religious media outlets are based on the beliefs and values of the community they represent.
- In these media outlets, the confessional approach often prevails at the expense of an inclusive national affiliation.

4. Religious Discourse on Social Media

By monitoring how social media handled political and social events with a confessional background that took place in Lebanon in 2018, the following problematics can be deduced:

- The political discourse is oriented towards using incitement language and evoking the civil war atmosphere.
- The discussion of events turns into a confessional debate or tension, which may include for example expressing contempt for martyrs of a certain community, evoking the historical disagreement between Sunnis and Shiites or the May 7 events, and so on.
- Religion is used to justify murder; despite the harm it inflicts on religion itself.
- Children are involved in scenes of violence and incitement.

5. Media Institutions' Responsibility to Confront Hate Speech

Amid this national reality, media institutions have a responsibility to contribute to limiting the spread of hate speech, especially related to religions in Lebanon, through a set of initiatives, the most important of which are:

- Media and media figures adhere to their codes of conduct that they publish and implement
- A joint strategy for media institutions is developed in cooperation with specialists on how to deal with inflammatory religious discourse or extremist ideologies.
- Thinking in advance of ways of presenting media content related to religious affairs, with a focus on the use of terminology, whether or not to display images and how to comment on them, in order for media outlets to be well-prepared. This is greatly needed in the region in general and Lebanon in particular, where religious issues are strongly present in the public discourse.

- Media institutions commit to refrain from fueling crises, seek to adopt appeasement approaches by adhering to facts

that promote objectivity, and call for dialogue.

- Critical thinking is stimulated in the media, by expanding how different topics are tackled and giving space to educated people to delve into these topics.

- Spaces are created for civil discourse and citizenship values within religious media, with the aim of confronting isolationist ideas, and promoting a sense of harmony among individuals

between their role as citizens and their role as believers.

- Spaces are allocated for positive coverage or initiatives that highlight common cross-confessional values, followed by training courses for media professionals with the aim of developing their capacities in the religious field and its relationship to public affairs, and enhancing concepts and terminology that spread the culture of dialogue and openness towards the other.

References

[Religious Incitement and Hate Speech, Georges Sadaka, Jocelyne Nader, and Tony Mikhael, 2015.](#)

[Media Coverage of Religious Issues in Televised Social Talk Shows, Roy Greigiry, 2015.](#)

[Religious Media in Lebanon, Tony Mikhael and Hussein Al-Sharif. Reviewed by George Sadaka, 2017.](#)

[The Discourse of Religious Media Outlets and its Consistency with the Principles of Civil Peace, Ali Rammal and Tony Mikhael. Reviewed by Georges Sadaka, 2017.](#)

[Naseej – Media and Diversity in the Levant, Monitoring Media Coverage of Diversity Issues in Lebanon, Syria and Irak, Aryan Foundation and Samir Kassir Foundation, 2017.](#)

[Hate Speech on Social Media, Tony Mikhael, 2018.](#)

Section Three

Media Ethical Framework in the Face of Hate Speech



Media discourse is subject to professional methodologies and ethical and moral principles, which are expressed in honor codes and codes of conduct issued by international bodies, media institutions or press unions. It is commitment to these principles and values that distinguishes ethical and professional journalism from journalism seeking sensationalism, intrigue and playing on instincts, regardless of the damage it causes.

Adherence to these principles and values constitutes what we might call a conscience that spurs one to assume moral responsibility for each media act or article. With the growth of “citizen journalism” due to the widespread and general use of social media, it has become necessary to spread awareness of media principles and ethics among the general population, especially activists on social media, in order to curb hate speech and promote freedom of expression in an informed and responsible manner.

Below is a practical summary, drawn from a set of charters and codes of conduct related to media work, in the form of Dos and Don'ts, for any media activity, especially ones related

to religion, in order to preserve a society that enjoys freedom, respect for difference, people's rights and public order.

1. Dos

1. Cover the event in its correct context objectively and accurately by building a sound background of knowledge about it and identifying the various sources of information.

2. Verify the data and information circulated before publishing it, and respond to inflammatory allegations based on inaccurate information, by listing the correct information.

3. Pay attention to the statements of figures who enjoy a certain authority, notably if they involve inflammatory speech, then inform the public of acts of discrimination wherever they occur, in order to raise awareness about the ensuing risks and damages.

4. Select guests and writers who have the required intellectual level and moral commitment to avoid any form of hate speech, while making sure to give equal opportunities to different voices and approaches – even within the same group.

5. Cover news related to various groups and communities, especially minorities or marginalized groups, and give their members the opportunity to speak and raise their voice in a way that contributes to understanding their issues, reflects their views, and confronts negative stereotyping towards them.

6. Use the expressions and vocabulary adopted by each group – especially religious communities – in its discourse on itself and its explanations to others.

7. Monitor and conduct investigations about practices that violate freedom of religion and belief, and defend the rights of individuals and groups to express their religious convictions and practice their rituals and worship.

8. Shed light on the initiatives, projects and activities of individuals or institutions that aim to reject violence and discrimination, and promote dialogue, solidarity and civil peace, as well as inclusive citizenship.

9. Shed light on the values of common public life that unite citizens, and present them alongside their civil and religious references.

10. Produce awareness programs and speeches on the concept of hate speech, and its danger to the security and stability of society, for its association with incitement to discrimination, hostility and violence.

2. Don'ts

1. Be aware of the risk of slipping towards discrimination or negative stereotyping against persons or groups, and refrain from promoting positions calling for discrimination and divisions on the basis of religion, belief, race, color, gender, language, political affiliation, or social or health status, etc.

2. Avoid unnecessary references to race, religion, gender, or other characteristics of the identity of any perpetrator of crimes or events with criminal dimensions.

3. Refrain from linking individuals' violations with the moral and ethical principles of the groups to which they belong, even if their actions are repeated.

4. Refrain from provoking sectarian or confessional strife, offending a sect or a community, directly or indirectly, or inciting to discrimination, hostility or violence.

5. Refrain from intentionally presenting misleading religious information, taking it out of its context and distorting its meaning.

6. Not be drawn into broadcasting hate speech while covering violations related to religious affiliations, or promoting stereotypes or judgements that make media coverage lose its objectivity.

7. Stay away from biases based on the religious affiliation of the journalist or identity of the media institution, while bearing in mind that personal beliefs and commitments should not weaken the sense of accuracy, fairness and independence.

8. Not be drawn into religious narratives of political conflicts, or political exploitation of crises on the confessional level.

9. Not promote the violent views

of extremists under the pretext of religious freedom, but rather analyze and demonstrate their danger as they constitute hate speech.

10. Refrain from insulting religious symbols in a way that leads to hostility or violence, while fully preserving the right to have and express any disagreement and criticism.

References

International Federation of Journalists, Declaration of Principles on the Conduct of Journalists, World Congress of the International Federation of Journalists, 1954 (amended in 1986).

The Arab Media Charter of Honor, Secretariat General of the Arab League, 1978.

[The Seven Commandments for a Moral Journalistic Charter in a Diverse Country such as Lebanon, An-Nahar Newspaper, 1985 \(retrieved from Ministry of Information website\).](#)

Code of Ethics for Journalism of Al-Hayat Newspaper and Al-Wasat Magazine, Fifth Annual Conference of Al-Hayat and Al-Wasat in Beirut, 1999.

Al Jazeera Code of Ethical Conduct, Al Jazeera, 2004.

Inclusive Journalism, Media Diversity Institute (First edition), 2010 (part retrieved from IJNET).

[Journalists' Pact for Strengthening Civil Peace in Lebanon, the United Nations Development Program in Lebanon and the Lebanese Ministry of Information, 2013.](#)

Code of Conduct for Journalists Concerning Media Coverage of Issues Related to Religious Affairs and Freedom of Religion and Belief, Adyan Foundation, 2016.

Guidebook to Avoiding Discrimination and Hate Speech in Media, Al Jazeera Institute, 2019.

Section Four

Confronting Hate Speech in the Lebanese Legal Framework



International legal references have linked hate speech with incitement to discrimination, hostility or violence. Critical or offensive speech that does not contain “incitement” does not necessarily constitute hate speech.

These international references distinguished between three levels of hate speech at the legal level: Speech that amounts to a crime; speech that does not deserve criminal punishment, although it may justify civil lawsuits or administrative sanctions; and speech that does not require any criminal, civil or administrative sanctions, although it may be raise concerns at the ethical level and in terms of respecting the rights of others.

At the national level, each country has its own legislations, as laws may differ greatly from one state to another. Legislations are binding, and any violation is liable to imprisonment or financial penalty. These legislations aim to guarantee freedoms for all, and to preserve the safety of persons and public order, which makes them at times inconsistent with freedom of opinion and expression, as stipulated in the Universal Declaration of

Human Rights and enshrined in constitutions. Therefore, laws remain open to development in order to achieve the required balance, and to avoid their exploitation in ways that restrict freedoms or exercise tyranny.

1. Stirring Up Confessional or Racial Strife

“Stirring up confessional or racial strife” is the concept described in the Lebanese legislation that directly relates to the issue of hate speech. The expression “stirring up strife,” which echoes the expression “incitement to discrimination, hostility or violence,” means that the discourse used does not only aim to express opinion, but also to generate attitudes and actions of a hostile nature among citizens and society’s different confessional communities.

Penal Code | Article 317 (as amended by 239/1993)

“Any acts or words, spoken or written, intended to or resulting in instigating confessional or racial strife or inciting conflict between communities and various components of the nation is punishable by one to three years in prison, a fine ranging from one hundred thousand to eight hundred

thousand Lebanese pounds, as well as a deprivation of the rights mentioned in paragraphs 2 and 4 of Article 65³, and the court may decide to publish the judgment.”

Penal Code | Article 295 (1943

“Whoever undertook, in Lebanon, during wartime or when expecting it to break out, to disseminate propaganda aimed at weakening national sentiment or awakening racial or confessional strife, shall be punished with temporary detention.”

Media laws

Satellite Broadcasting Law No. 531 of July 24, 1996 | Institution’s pledge

Article three, paragraph four requires the media institution to submit, alongside other licensing documents, a pledge not to broadcast programs that stir sectarian strife, or that criticize and insult the religious beliefs of the host regions.

Television and Radio Broadcasting Law No. 382 of 11/04/1994 | Broadcasting and

financing programs that stir up strife.

Article 45—in addition to Legislative Decree No. 104—gives the Minister of Information the right to temporarily suspend an institution from broadcasting, impose a fine and refer it to the court, if programs are aired that instigate confessional strife.

If an institution has made illicit gains in order to stir up confessional strife, the violator shall be sentenced to prison from six months to two years, a fine ranging from fifty million to one hundred million Lebanese pounds. The court may issue a decision to suspend the institution from broadcasting for a period ranging between six months and two years, and may also permanently revoke its license.

Legislative Decree 104 | Disturbing public peace

Article 3 of Legislative Decree No. 104 stipulates that those responsible for publishing news that disturb public peace shall be punished with imprisonment from six to eighteen months, a

3. Paragraphs 2 and 4 of Article 65: The right to hold office and perform services in managing the civil affairs of the religious denomination or the affairs of the trade union to which one belongs, and the right to vote in or to be elected to any organization pertaining to a religious denomination or to a trade union.

fine ranging from five thousand to fifteen thousand Lebanese pounds, or one of these two penalties. The penalty may be increased to permanently revoking the institution's license, if the same offense or another offense falling under the same paragraph is repeated a third time. This in addition to penalties stipulated in Article 5 amended by Law No. 330 (1994), namely imprisonment from one to three years, a fine ranging from fifty million to one hundred million Lebanese pounds, or one of these two penalties.

2. Blasphemy

Blasphemy laws do not fall under "hate speech" in international laws. However, the Rabat Plan of Action urged states that have blasphemy laws to repeal them, as these laws tend to have an adverse effect such as discrimination between religions, the curtailment of dialogue and critical debate, or negative impact on the freedom of belief.

The legislative framework in Lebanon also includes some articles that fall under laws preventing blasphemy.

Penal Code | Article 473 (1943)

"Whoever blasphemes the name of God publicly shall be punished by imprisonment from one month to a year."

Penal Code | Article 474 (1954)

"Anyone who, by the means stipulated in Article 209, defames publicly practiced religious rituals or encourages the defamation of religious rituals should serve a sentence of six months to three years in prison."

Article 209 (1943), mentioned in Article 474 above, offers a definition of the means of publication:

The following are considered means of publications:

1. Actions and gestures taking place in a public place or a place accessible to the public or to public view, or that are witnessed by anyone who has nothing to do with the act because of an error on the part of the perpetrator

2. Speech or cries, whether publicly uttered or broadcast through electronic means, so that in both cases they are heard by someone who has nothing to do with the action

3. Writings, drawings, images, photographs, films, badges and pictures of all kinds, if displayed in a public place or to public view or in a place accessible to the public, or that are sold, offered for sale, or distributed to one or more persons.

Penal Code | Article 475 (1954)

A prison sentence of six months to three years is handed to:

1. Anyone who disrupts or uses acts of violence or threatens to impede the practice of any of the rituals, celebrations, or associated observances
2. Anyone who destroys, damages, defaces, desecrates or defiles, a place of religious worship, a religious symbol or any other object that is venerated by members of a religious community or group.

Media laws

Article 5 amended by Law No. 330 (1994) stipulates that if a publication disseminates content denigrating one of the recognized religions, the Public Prosecutor has the right to withdraw it from the market and refer it to the competent court. The court may order imprisonment from one to three years, a fine ranging from fifty

million to one hundred million Lebanese pounds, or one of these two penalties. Under no circumstances may the prison sentence be less than two months and the fine lower than its minimum. The penalty shall be doubled and the publication suspended for a period of six months, if the offense is repeated before seven years have passed since the expiration of the first sentence or due to the application of the Statute of Limitations.

References

[The Lebanese Constitution, the Lebanese Parliament, 1926 \(with all its amendments\)](#)

[The Universal Declaration of Human Rights, United Nations, 1948](#)

[Full texts of the Publications Laws](#)

- The Ottoman Publications Law - July 16, 1909.
- The Publications Law under the Mandate - Decision No. 2464 - Official Gazette No. 1766 - May 20, 1924.
- The Publications Law of 1948, issued on September 2, 1948.
- The Publications Law of 1952, Legislative Decree No. 4 - issued on October 22, 1952.
- The Publications Law, issued on September 14, 1962.
- Legislative Decree No. 104 amending some provisions of the Publications Law issued on 14/9/62 - dated June 30, 1977.
- Law No. 330 issued on May 18, 1994 amending some provisions of Legislative Decree No. 104 of 30/6/1977, relating to the amendment of some provisions of the Publications Law

Lebanese Penal Code, Legislative Decree No. 340, 1948

Law No. 382 about Television and Radio Broadcasting, the Parliament, 1994

Satellite Broadcasting Law No. 531, the Parliament, 1996

