

ENHANCING ACCOUNTABILITY THROUGH INSTITUTIONALIZATION OF WHISTLEBLOWER AND GRIEVANCE MECHANISMS



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I. EXECUTIVE SUMMARY

This policy paper provides an in-depth examination of the challenges confronting Lebanon in institutionalizing whistleblower protection and grievance mechanisms. Through analysis of the legislative framework and institutional operations, it highlights critical gaps undermining accountability and enabling corruption. Misuse of whistleblower laws as bargaining tools in judicial negotiations is eroding their intended purpose. Bureaucratic inertia continues to stall the activation of Lebanon's National Anti-Corruption Commission (NACC), hampering anti-corruption efforts. Inadequate budgetary allocations, and unjustified delay in endorsing its bylaws, have left the NACC constrained, unable to effectively enforce anti-corruption laws. The absence of penalties for disregarding the NACC's decisions dilutes their impact. Although a Whistleblower Reception Office has been constituted, it remains non-operational, signifying missed opportunities to facilitate reporting.

The lack of formal protocols between the NACC and Public Prosecution can create duplicate work and contradictory decisions. Currency devaluation has sapped fines for whistleblower law violations of deterrent power. Vague provisions for physical protections hamper their roll-out, while delayed incentives obstruct whistleblower motivation. Shortcomings in transparency, judiciary independence and public awareness further undermine citizen trust and engagement.

To address these multifaceted challenges, the paper recommends decisive actions like guidelines to prevent exploitation of whistleblower laws, expediting the NACC's activation, allocating adequate resources, legislating proportionate penalties, operationalizing the Reception Office, enhancing inter-agency coordination and recalibrating penalties. It also calls for legislative amendments to enable transparency, guarantee judiciary independence and raise public awareness through collaborative campaigns.

The 14 detailed recommendations provide a roadmap for strengthening accountability mechanisms through well-functioning grievance and whistleblower protection systems. Their implementation would demonstrate Lebanon's commitment to reform and equip oversight institutions to combat endemic corruption.

II. CONTEXT AND RATIONALE

Lebanon has been facing a severe economic crisis, pushing tens of thousands of people into poverty and triggering large anti-government protests¹.

The country has a lengthy record of corruption, evident through its consistent poor rankings in global assessments. In 2022, Transparency International placed Lebanon in the 150th position among 180 nations on its Corruption Perceptions Index, assigning a meager score of 24. Consequently, the country stands prominently as one of the most corrupt nations worldwide².

Corruption is widespread in Lebanon, and it affects all levels of society. It is found in the public sector, the private sector, and even in non-governmental organizations³.

Corruption exerts a profound and damaging influence on Lebanon, causing multifaceted harm. It erodes the foundations of the rule of law, while also corroding public confidence in governmental institutions. Moreover, it redirects crucial resources from their intended destinations, depriving vital services of necessary support. This phenomenon further compounds Lebanon's economic challenges, exemplified by its elevated unemployment levels and the ongoing burden of its debt crisis⁴.

In order to address the problem the government needs to strengthen the anti-corruption authority and give it the resources it needs to be effective. It also needs to crack down on corruption in the public sector and the private sector.

The IMF has made anti-corruption a key condition for its financial assistance to Lebanon. In its 2023 Article IV consultation with Lebanon, they said that the government needs to "strengthen the anti-corruption framework, including by implementing the National Anti-Corruption Strategy and Action Plan, and by ensuring the independence and effectiveness of the Anti-Corruption Commission."⁵

The World Bank has also been working to support anti-corruption efforts in Lebanon. In 2021, the World Bank approved a \$100 million loan to support the government's anti-corruption reform agenda. The loan will be used to strengthen the anti-corruption authority, improve public financial management, and promote transparency and accountability in the public sector⁶.

The aftermath of the Beirut Port explosion has eroded public trust in state institutions, necessitating comprehensive reforms to restore faith in the government's role. A critical aspect of such reforms lies in the institutionalization of whistleblower protection and grievance mechanisms. These mechanisms can play a pivotal role in holding state actors accountable and empowering citizens to voice concerns, thereby fostering a culture of transparency and integrity.

1 Lebanon: Why the country is in crisis - BBC News. <https://www.bbc.com/news/world-middle-east-53390108>.

2 Transparency International (2022). Corruption Perceptions Index 2022. <https://www.transparency.org/en/cpi/2022>

3 U4 Anti-Corruption Resource Centre (2020). Overview of corruption and anti-corruption in Lebanon. <https://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-lebanon>

4 U4 Anti-Corruption Resource Centre (2020). Overview of corruption and anti-corruption in Lebanon. <https://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-lebanon>

5 International Monetary Fund. (2023). Staff Report for the 2023 Article IV Consultation with Lebanon. Washington, DC: IMF.

6 World Bank. (2021). Lebanon: Country Partnership Framework 2021-2025. Washington, DC: World Bank.

III. SITUATIONAL ANALYSIS

In this section, the paper provides an overview of the current institutional framework for grievances and complaints mechanisms within state institutions from an oversight and accountability perspective. This includes an examination of existing laws, regulations, and structures that are designed to facilitate whistleblower protection and the management of grievances.

1. Legislative framework

The widespread presence of corruption constitutes a grave menace to societal stability, security, democratic ideals, and the integrity of institutional operations. Tackling this issue effectively necessitates, as a primary measure, the presentation of substantiated evidence showcasing its existence. Equally essential is the identification of individuals involved, enabling subsequent actions to prosecute and penalize them if the accusations are verified.

Amidst global efforts to counter corruption, the United Nations Convention against Corruption⁷ stands as a cornerstone. Article 33 of this convention underscores the imperative of encouraging individuals to report corruption to competent authorities. It underscores the significance of shielding whistleblowers from unjust repercussions when they report genuine concerns in good faith.

Aligned with these principles, Lebanon, as a signatory to the Convention⁸, took a significant stride by enacting the Whistleblower Protection Law on October 10, 2018⁹. The driving force behind this legislative action is the commitment to embody the treaty's principles within national legislation, emphasizing the fight against corruption and the just punishment of wrongdoers. This legal framework mandates that exposing corrupt practices is a responsibility shared across public and private sectors. It underscores the pivotal process of establishing instances of corruption through evidence collection as a prerequisite for legal proceedings.

However, the act of whistleblowing is not devoid of risks, often deterring potential informants from stepping forward. To address this challenge, the law not only seeks to motivate individuals to report corruption but also endeavors to shield whistleblowers, fostering an environment where the act of reporting is valued and safeguarded.

In essence, this intricate interplay of international conventions and domestic legislations underscores the multifaceted approach required to effectively combat corruption, from evidence-based exposure to safeguarding those who courageously come forward.

In connection to this matter, a significant development occurred with the enactment of Law No. 182¹⁰ on June 12, 2020. This law introduced an additional paragraph to Article 9 of Law No. 83/2018. The rationale behind this amendment is to reinforce the authority of public prosecutions, in alignment with existing laws, to receive and scrutinize information pertaining to corruption. This augmentation also extends to complement the functions of the National Anti-Corruption Commission (NACC).

⁷ Adopted by the General Assembly of the United Nations in its resolution No. 58/4 dated 31/10/2003.

⁸ Law No. 33, dated 16/10/2008, authorizing the government to join the United Nations Convention Against Corruption approved by the General Assembly in its resolution No. 58/4 dated 31/10/2003, Official Gazette No. 44, dated 23/10/2008, p. 4389.

⁹ Law No. 83, dated 10/10/2018, Official Gazette No. 45 dated 10/18/2018, p. 4580.

¹⁰ Law No. 182 dated 12/06/2020, Official Gazette No. 25 dated 12/06/2020.

This legislative enhancement showcases the commitment of the legal framework to bolster the efficacy of combating corruption. By granting increased authority to public prosecutions, the law aims to empower them with greater tools for investigating corruption-related information.

Moreover, this development addresses a critical aspect. The adoption of this law is intrinsically linked to the fact that the NACC, which is the designated entity responsible for enforcing anti-corruption measures, had not been constituted. In lieu of the absence of an active NACC, this amendment plays a pivotal role in bridging the enforcement gap, ensuring that the principles and regulations of anti-corruption efforts are still upheld.

Following the issuance of the aforementioned legal amendment, and with the aim of fortifying the implementation of the Whistleblower Protection Law, a proactive step was taken by the Minister of State for Administrative Development¹¹. This involved the formation of a specialized working group, entrusted with the task of exploring effective strategies to encourage individuals possessing information about corruption to promptly present it to the Public Prosecution. The key objective was to expedite this process without waiting for the formation of the National Anti-Corruption Commission, all while ensuring the informants' legal safeguarding and upholding their entitlement to potential financial incentives, as granted by the amendment.

In alignment with the recommendations derived from the collective efforts of the working group, the Minister of Justice issued a crucial decision¹². This decision laid the foundation for the establishment of a dedicated office, with a specific mandate to receive information from whistleblowers. The core purpose of this office was to provide vital assistance to the Discriminatory Public Prosecution in efficiently processing and managing disclosures related to corruption.

On January 28, 2022, following a delay in the stipulated deadline as per the law¹³, a significant development transpired with the issuance of Decree No. 8742. This decree marked the establishment of the long-awaited National Anti-Corruption Committee, a pivotal entity entrusted with critical responsibilities in safeguarding and incentivizing whistleblowers, as mandated by Law 83/2018.

2. Institutional Mechanisms for Whistleblower Protection

To avail themselves of the safeguards and incentives outlined in Article 2 of Law No. 83/2018, individuals seeking whistleblower protection were initially mandated to exclusively submit their disclosures to the National Anti-Corruption Commission, following the procedures delineated within the said law.

However, this exclusive stipulation underwent transformation subsequent to the amendment introduced by Law No. 182/2020 to Article 9 of Law No. 83/2018. As a result of this amendment, the requirement of exclusivity was eliminated. By virtue of this modification, individuals who wish to blow the whistle can now access the provisions of the aforementioned law by submitting their disclosure to both the competent Public Prosecution and the Commission.

¹¹ Decision of the Minister of State for Administrative Development, No. 33, dated 30/6/2020.

¹² Decision of the Minister of Justice, No. 1/65, dated 09/10/2020.

¹³ The Commission was founded under Law No. 175, dated 8/5/2020, Combating Corruption in the Public Sector and Establishing the National Anti-Corruption Commission, Official Gazette, No. 20, dated 14/5/2020, p. 1203.

This pivotal amendment signifies a broader avenue for whistleblowers to pursue protection and incentives. It recognizes the dual role of both the Public Prosecution and the National Anti-Corruption Commission in receiving and addressing corruption-related disclosures. This change serves to reinforce the collaborative approach within the legal framework, ensuring that individuals are granted enhanced opportunities to report corruption while enjoying comprehensive legal protection and potential rewards.

a-The National Anti-Corruption Commission

The Establishment of the National Anti-Corruption Commission (NACC)

The inception of the National Anti-Corruption Commission marks the culmination of a series of legislative efforts undertaken by the Parliament in recent years to combat rampant corruption. This commission has been formulated as a legal instrument to enforce various laws, encompassing statutes on the right of access to information (2017), safeguarding whistleblowers (2018), strengthening transparency within the Petroleum Sector (2018), curbing illicit enrichment (2020), and Law No. 214 concerning the recovery of assets following corruption-related offenses (2021). However, it's important to note that a significant portion of this legislation remains largely unimplemented up to the present time.

Responsibilities of the NACC

The NACC was established as an independent commission endowed with legal personality, administrative autonomy, and financial independence; a status expressly affirmed by Article 5 of the Combatting Corruption law¹⁴.

As specified by Article 18 of the Combatting Corruption law, the purview of the NACC's responsibilities encompasses:

- Gathering complaints pertaining to corruption, conducting thorough investigations into these complaints, and subsequently referring cases of corruption to the judiciary for prosecution.
- Monitoring the prevalence and economic implications of corruption, culminating in the publication of comprehensive reports on these matters.
- Providing expert insights and recommendations to combat corruption at both the international and local levels.
- Overseeing the creation and dissemination of educational materials, fostering awareness regarding the multifaceted efforts to combat corruption.

Moreover, the NACC is entrusted with executing specific functions as delineated in the Combatting Corruption law and supplementary legislation that pertains to anti-corruption endeavors. These functions include the acceptance of complaints relating to the non-implementation of the Access to Information Law and ensuring its effective execution. Additionally, the commission is responsible for receiving notifications from whistleblowers, ensuring their protection, and meticulously processing and auditing declarations of assets and interests.

¹⁴ Law No. 175, dated 8/5/2020, Combating Corruption in the Public Sector and Establishing the National Anti-Corruption Commission, Official Gazette, No. 20, dated 14/5/2020, p. 1203.

b-The Role of the Public Prosecution

The incorporation of the amendment introduced by Law No. 182/2020 into Law No. 83/2018 effectively addressed a key concern regarding the provisions available to whistleblowers. This amendment rectified the situation by enabling whistleblowers to access all the benefits outlined within the latter law when submitting their disclosures to the competent Public Prosecution. This adjustment was a significant motive behind the amendment's implementation.

Subsequent to the enactment of this amendment and guided by the insights of the Working Group established to support the execution of the Whistleblower Protection Law, which was initiated by the Minister of State for Administrative Reform, Minister of Justice issued Decision No. 65/1, dated October 9, 2020. This decision served as the foundation for establishing a specialized office, designated to receive disclosures from whistleblowers. The primary objective of this office was to provide support to the Discriminatory Public Prosecution in the handling of corruption-related disclosures.

Termed the "Whistleblowers Reception Office," this entity intends to function as a dedicated registry under the purview of the Discriminatory Public Prosecution. Its central role is to receive disclosures related to corruption, in alignment with the underlying purpose of the 2020 amendment to the Whistleblower Protection law. Notably, its establishment aims to preserve the privacy and anonymity of whistleblowers, particularly by circumventing the need for them to physically appear at legal premises. Instead, they are received through a process that prioritizes their confidentiality, facilitated by judicial assistants specially trained in receiving and following up on disclosures. All of this occurs under the vigilant supervision of the Public Prosecutor.

The inclusion of the Public Prosecution as a designated recipient of whistleblower disclosures was introduced to address the gap arising from the delayed formation of the National Anti-Corruption Commission (NACC). Moreover, it serves as an alternative avenue for whistleblowers to consider, particularly in cases where the NACC might not be fully functional. This dual mechanism broadens the options available to whistleblowers, reinforcing the nation's commitment to ensuring their protection and encouraging the exposure of corrupt practices.

IV. CHALLENGES AND BARRIERS

Identifying key challenges is crucial for designing effective solutions. This section outlines the challenges in the institutionalization of whistleblower protection and grievance mechanisms, including inadequate legal frameworks, lack of resources, limited citizen education, potential reprisals against whistleblowers, and bureaucratic obstacles.

1. Exploitative Use of Whistleblower Protection Law in Judicial Negotiations

Whistleblower protection law serve the vital purpose of shielding individuals who expose misconduct. However, recent instances have revealed a concerning trend where these law are manipulated, resembling a form of judicial negotiation. This misuse is particularly evident in cases involving the land registry office and vehicle registration centers, where suspects individuals are granted legal protection under whistleblower laws in exchange for their testimony or information against others. This exploitation raises significant issues, compromising the law's intended purpose.

Whistleblower protection law are being used as a bargaining tool within the legal system. Individuals facing criminal charges are coerced into cooperating with public prosecutors, leveraging the promise of whistleblower protection. This coerced cooperation aims to extract testimonies or information that the prosecutors might not otherwise secure through regular legal channels.

The misuse of whistleblower protection law can have a number of negative consequences. It can discourage individuals from reporting wrongdoing, it can lead to discrimination, and it can undermine the integrity of the judicial system.

The main difference between a judicial negotiation system and whistleblower protection is that the former is a system where concerned persons who are facing criminal charges can agree to cooperate with the government in exchange for protection, while the latter is a system that protects individuals who report wrongdoing.

In a judicial negotiation system, the public prosecutor uses laws to pressure individuals to testify against others or to provide information that he may not otherwise be able to obtain. This can be done in exchange for a number of things, such as a reduced sentence, immunity from prosecution, or financial compensation.

Whistleblower protection, on the other hand, is designed to protect individuals who report wrongdoing. This includes retaliation in the form of firing, demotion, harassment, or discrimination. Whistleblower protection laws typically provide a number of remedies for individuals who are retaliated against, such as reinstatement, back pay, and legal fees.

In some cases, the two systems can overlap. For example, an individual who is facing criminal charges may agree to cooperate with the public prosecutor in exchange for whistleblower protection. However, the two systems are distinct in their goals and objectives.

Here is a table summarizing the key differences between the two systems:

Feature	Judicial Negotiation System (DPA) ¹⁵	Whistleblower Protection Law
Purpose	To encourage individuals to cooperate with investigations in exchange for benefits, such as a reduced sentence or immunity from prosecution	To protect individuals who report wrongdoing from retaliation by their employers or other entities
Scope	Applies to persons who are facing criminal charges	Applies to persons who report wrongdoing, regardless of whether they are facing criminal charges
Remedies	Reduced sentence, immunity from prosecution, financial compensation	Reinstatement, back pay, legal fees, protection from retaliation
Timing	The concerned person can cooperate with the investigation before or after legal actions have been taken against them	The concerned person must cooperate before any legal or administrative actions have been taken against them, but the timing of the disclosure will affect the type of exemptions they are eligible for
Proactive Approach	The concerned person does not have to be proactive in disclosing their involvement in corrupt activities. They can also disclose their involvement after they have been investigated or charged with a crime	The concerned person must be proactive in disclosing their involvement in corrupt activities.
Overlap	The whistleblower protection law may be misused as a DPA if the public prosecutor pressures or intimidates an individual to cooperate with an investigation in exchange for protection.	

¹⁵ A DPA is a legal agreement between a prosecutor and a company or individual that allows the company or individual to avoid criminal prosecution in exchange for agreeing to cooperate with the investigation and taking certain steps to improve its compliance practices
 "Deferred Prosecution Agreements: A Guide for Businesses" by the World Bank in 2019.

Lebanon follows the principle of legality in the role of the public prosecution. The principle of legality, also known as the legality principle, mandates that the prosecution must initiate and pursue criminal cases in accordance with established laws and legal procedures. This principle ensures that criminal cases are prosecuted based on the evidence and legal requirements.

In the context of the principle of legality, the public prosecution in Lebanon is obligated to investigate and prosecute criminal offenses based on the available evidence and in accordance with the country's laws and regulations according to article 50 of the code of criminal procedures. This means that the prosecution is generally not allowed to exercise discretion in deciding whether to pursue a case; instead, it is duty-bound to prosecute cases that meet the legal criteria for prosecution.

The opportunity principle, on the other hand, grants prosecutors more discretion in deciding whether to pursue a case, taking into account factors such as the severity of the offense, available evidence, and public interest. Countries that follow the opportunity principle allow prosecutors to choose which cases to prioritize and may use tools like Deferred Prosecution Agreements (DPAs) to resolve cases without going through full trials.

In summary, Lebanon primarily follows the principle of legality in the role of the public prosecution, which means that cases are prosecuted based on the established legal framework and evidence, rather than relying on prosecutorial discretion as seen in the opportunity principle, the Lebanese Code of Criminal Procedure does not specifically provide for DPAs, and there is no clear legal framework for how they would be implemented.

The situation raises questions about the integrity of both whistleblower protection and the legal system as a whole. Stricter adherence to the principle of legality and proper regulation of prosecutorial discretion are essential to address this challenge and restore the true essence of whistleblower protection law.

2. Languishing Bureaucracy Hinders Anti-Corruption Progress: The Delay in National Anti-Corruption Commission Activation.

The efficient operation of the National Anti-Corruption Commission (NACC) is fundamental not only for enforcing the Whistleblower Protection law but also for fully activating all anti-corruption laws. The NACC, a key entity responsible for whistleblower rewards and assistance, is instrumental in fostering an environment that safeguards those who expose corruption. However, the Commission's effective functionality hinges on the finalization of its internal rules of procedure.

As per Article 9 of the Combatting Corruption law, the NACC is mandated to create and conclude its internal regulations and code of ethics within three months of the official appointment and confirmation of its members. In April 2022, the NACC submitted these essential documents to the State Council for review. Subsequently, the State Council sought the input of the Civil Service Council and the Ministry of Finance before granting approval. Regrettably, up until the present moment, the documents have yet to receive the necessary endorsement. These delays have been attributed to bureaucratic intricacies and the existing state of public administration.

This delay hampers the commission's operational capacity, preventing it from fully embarking on its mission to combat corruption effectively.

To underscore the significance of the NACC in the context of the Whistleblower Protection law, it's crucial to note that the commission is exclusively vested with the responsibility of granting whistleblowers both rewards and assistance, in addition to overseeing job protection measures. Conversely, the competent Public Prosecution can provide only physical protection measures. However, a whistleblower who submits their disclosure to the competent Public Prosecution, as per the 2020 amendment, retains the right to incentives as long as they request the NACC's approval.

The important role of the NACC is best illustrated through this comparison table:

Competent Legal Entity	Job Protection Measures	Rewards and Assistance	Physical Protection Measures
National Anti-Corruption Commission	✓	✓	✓
Competent Public Prosecution	X	X	✓

3. Budgetary Challenges Impeding the National Anti-Corruption Commission's Effectiveness

The National Anti-Corruption Commission faces significant challenges stemming from inadequate resources, which not only hinder its operations but also impede the effective enforcement of anti-corruption laws across the board.

Article 15 of the Combatting Corruption law stipulates an allocation of 10 billion Lebanese pounds to the NACC, supplementing its general budget during its inaugural operating year. However, the practical execution of this allocation has encountered difficulties. On August 26, 2022, the first transfer of 6 billion Lebanese pounds was sanctioned for the NACC, albeit reaching its destination only by the close of that same year. Regrettably, this delay coincided with the further depreciation of the Lebanese pound, eroding the value of the allocated funds. Compounding this issue, the remaining 4 billion Lebanese pounds have yet to be disbursed, exacerbating the budgetary constraints¹⁶.

The pronounced budgetary challenges, particularly in the midst of the ongoing crisis, exacerbate the NACC's operational setbacks. The commission's multifaceted tasks and responsibilities demand adequate resources to fulfill its mission effectively. However, the diminished value of the Lebanese lira significantly undermines the commission's ability to operate optimally, especially considering its substantial mandates. These responsibilities entail not only providing job protection measures and rewards but also conducting comprehensive surveys and investigations – endeavors that demand robust financial backing to ensure competent execution.

¹⁶ [https://www.lcps-lebanon.org/articles/details/4793/the-national-anti-corruption-commission-\(nacc\)-and-curbing-rampant-corruption-in-lebanon](https://www.lcps-lebanon.org/articles/details/4793/the-national-anti-corruption-commission-(nacc)-and-curbing-rampant-corruption-in-lebanon)

4. Enforcement Gaps in National Anti-Corruption Commission's Decisions: The Missing Penalties

The effectiveness of the National Anti-Corruption Commission in enforcing its decisions is undermined by a critical issue: the absence of penalties for non-compliance. This issue becomes especially pronounced when considering the realm of whistleblower protection, encompassing decisions related to Job Protection Measures, Rewards and Assistance, and Physical Protection Measures. Remarkably, the whistleblower protection law lacks clear provisions outlining the repercussions for entities failing to adhere to the NACC's directives.

Within this regulatory framework, the NACC wields the authority to issue decisions that span multiple dimensions of protection, vital for safeguarding the interests of whistleblowers. Yet, the current legislation falls short in addressing the consequences when the relevant executing authorities fail to implement these decisions.

This regulatory void has significant implications. It potentially allows non-compliant entities to evade accountability, thereby diluting the intended impact of the NACC's decisions. The lack of explicit penalties compromises the NACC's effectiveness in ensuring compliance with its protective measures, impeding its overarching mission of cultivating a corruption-free environment.

5. Pending Activation: The Dilemma of Dormant Whistleblowers Reception Office

The Minister of Justice's issuance of Decision No. 65/1 on October 9, 2020 marked a significant step towards the establishment of the specialized "Whistleblowers Reception Office." This pivotal decision laid the groundwork for a dedicated office designed to receive corruption-related disclosures from whistleblowers, aiming to provide crucial assistance to the Discriminatory Public Prosecution in its handling of such cases.

However, despite the proactive efforts to establish this institution and provide its working team with necessary training, an aura of uncertainty surrounds the office's operational status. As of the time of writing this paper, the Whistleblowers Reception Office remains undisclosed to the public, veiled in obscurity with no hotline established, no official website launched, no email, and no pertinent information disseminated for public awareness. The delay in the office's activation signifies a missed opportunity to foster trust and encourage corruption disclosure, underscoring the need for timely and transparent communication in the realm of anti-corruption efforts.

6. Challenge of Coordination: Navigating Dual Authority in Whistleblower Protection

Initially, Law No. 83/2018 mandated that individuals seeking whistleblower protection must exclusively submit their disclosures to the National Anti-Corruption Commission (NACC), following the procedures outlined in the law. However, this exclusive requirement underwent transformation with the amendment introduced by Law No. 182/2020 to Article 9 of the same law. This amendment eliminated the exclusivity clause, allowing whistleblowers to access protection and incentives by submitting their disclosure to both the competent Public Prosecution and the NACC.

While this amendment broadens the scope for seeking protection and incentives, the absence of a formal coordination mechanism presents a notable challenge. With both the Public Prosecution and the NACC authorized to receive and address corruption-related disclosures, a potential lack of communication and coordination between these bodies could lead to duplication of efforts and even contradictory decisions for the same case. This highlights the need for a clear mechanism for collaboration and information sharing between the two competent bodies to ensure efficient case management and consistent application of the whistleblower protection law.

7. Erosion of Deterrence: Impotent Fines in Whistleblower Protection Law

The intention behind inflicting fines as penalties for contraventions against whistleblowers is to deter prospective wrongdoers and guarantee adherence to the law. However, the stark depreciation of the Lebanese lira has sapped these fines of their potency, fueling concerns regarding their efficacy as deterrents. Various instances within Law No. 83/2018 serve as stark illustrations of this predicament:

a. Confidentiality of the Whistleblower's Identity (Article 6/2):

Article 6/2 underscores the imperative of upholding the confidentiality of a whistleblower's identity. Those flouting this provision are liable to penalties enumerated in Article 579 of the Penal Code. A closer examination of this penal article exposes its classification as "Disclosure of Secrets." Regrettably, the accompanying penalty of 6 months imprisonment and a fine not exceeding four hundred thousand Lebanese pounds is substantially diluted by currency devaluation, potentially attenuating its power to deter.

b. Penalty for Inflicting Job Damage (Article 11/a):

Article 11/a accentuates the insulation of whistleblowers from job-related harm. However, the prescribed penalty – a fine ranging from ten million Lebanese pounds to one hundred million Lebanese pounds – forfeits its intended gravity in the context of currency devaluation. What might once have wielded significant deterrence has now withered into an amount that might inadequately deter actions detrimental to whistleblowers' livelihoods.

c. Penalty for Violating Confidentiality (Article 12/1):

Article 12/1 underscores the confidentiality intrinsic to whistleblowers' disclosures. Transgressing this provision yields a penalty spanning from one million Lebanese pounds to twenty million Lebanese pounds. The devalued magnitude of these fines accentuates the challenge of meting out substantial consequences for such violations.

8. Deficiencies in Defining Physical Protection Measures: Implications and Challenges

The implementation of Law No. 83/2018's protective measures, particularly within the scope of physical protection, is confronted with significant hurdles stemming from a lack of detailed definition. Article 9 of the law, which addresses physical protection measures, makes reference to "appropriate security measures" and emphasizes responding to protection requests by the National Anti-Corruption Commission, Public Prosecution, and security forces through "available means." However, this vague phrasing can result in multifaceted problems during execution.

The absence of precise definitions for the stipulated physical protection measures generates several complexities during the execution phase. The law's reliance on "available means" introduces a wide latitude for interpretation by the authority entrusted with providing protection. Consequently, this authority may prioritize tasks other than whistleblower protection measures, leading to resource allocation that doesn't permit the execution of protective actions. Moreover, invoking the scarcity of "available means" as permitted by Article 9/2 further compounds the challenge, making it arduous to assess the case both legally and in practice¹⁷.

The prevailing circumstances of internal security forces and other security bodies, exacerbated by currency devaluation and operational irregularities, exacerbate the problem. The economic instability and devaluation directly affect resource availability, impacting the capacity to execute protective measures effectively.

The inadequacy in defining physical protection measures within Law No. 83/2018 presents a considerable hurdle in the practical implementation of whistleblower protection. The vague language of "available means" and the current challenges faced by security forces underscore the pressing need for precise definitions and mechanisms to ensure the enforcement of effective protective measures. This is essential to uphold the law's intent of safeguarding whistleblowers who play a critical role in combatting corruption.

9. Operationalizing Incentives: Challenges in Reward Allocation

The process of rewarding whistleblowers, a crucial aspect of anti-corruption efforts, is governed by distinct principles, as enshrined in Law No. 83/2018. However, the effective execution of these principles faces obstacles due to current administrative constraints.

Article 13 of the aforementioned law mandated the establishment of a dedicated account within the Ministry of Finance. It is through this account that the value of rewards and assistance is intended to be disbursed. The decisions pertaining to the allocation of these incentives, formulated by the National Anti-Corruption Commission, are meant to be enacted and communicated to the Minister of Finance for the purpose of facilitating the disbursement of the designated amounts to the deserving recipients.

A critical challenge arises from the fact that, as of now, the designated account stipulated in Law No. 83/2018 has not been established. The delay in opening this account hampers the seamless execution of the intended reward allocation mechanism. This delay, perhaps caused by administrative intricacies, underscores the existing gaps between the legislative vision and the practical implementation.

The principles governing the consideration of incentives for whistleblowers carry significant potential in motivating and sustaining anti-corruption efforts. However, the current lack of an operational account dedicated to this purpose poses a substantial obstacle.

10. Challenges in Fostering Trust for Corruption Disclosures

The establishment of citizens' trust in institutions responsible for handling corruption disclosures is essential for effective anti-corruption measures. Transparency plays a pivotal role in building this trust, allowing whistleblowers to engage with the process and receive clarifications. However, translating this principle into practice encounters challenges that impact the overall effectiveness of anti-corruption efforts.

¹⁷ Mekanna, Ziad. Manual for Protecting and Motivating Whistleblowers. Lebanese Transparency Association, 2022

International frameworks, such as Article 13/1 of the United Nations Convention Against Corruption¹⁸ and Transparency International's "International Principles for Whistleblower Legislation"¹⁹, emphasize the importance of involving citizens in fighting corruption through transparent processes. This includes ensuring whistleblowers are informed about investigation outcomes and providing opportunities for review and commentary.

Contrary to the comprehensive provisions found in Law No. 83/2018 for whistleblower protection and Law No. 175, dated 8/5/2020, Combating Corruption in the Public Sector and Establishing the National Anti-Corruption Commission, the absence of explicit provisions in these laws related to informing whistleblowers about investigation outcomes, providing opportunities for review and commentary, and publishing accessible reports detailing the number of disclosures, processing timelines, and eventual outcomes poses a noticeable gap.

The effectiveness of the procedures within these institutions is equally critical. Inadequate processes can erode trust, dissuading potential whistleblowers from coming forward. As such, addressing challenges related to transparency and procedural efficacy is imperative to foster an environment where citizens feel confident in the impact of their contributions to anti-corruption endeavors.

11. The Impact of Non-Independent Judiciary on Anti-Corruption Efforts

The efficacy of the bodies responsible for corruption-related procedures hinges upon their effectiveness; failure in this realm erodes citizens' trust, leading to a decline in their willingness to divulge crucial information. Among the primary determinants of these bodies' effectiveness is their independence, a quality that should be firmly codified in legal documents. In this context, the autonomy of the judicial authority that assumes this prosecution role becomes pivotal. Such independence is fundamental in engendering citizens' trust, fostering their engagement in anti-corruption endeavors. Regrettably, however, the non-independence of the judicial authority poses a significant obstacle, compromising the execution of whistleblower protection law. Given the critical role of the judicial authority in implementing this law, the inability to ensure its autonomy constitutes a significant challenge in the fight against corruption.

12. Shadowed Safeguards: The Hurdle of Inadequate Public Awareness in Whistleblower Protection Law

A prevailing assumption holds that citizens, including legal professionals, often navigate the labyrinth of corruption exposure laws with limited understanding, encompassing even the Whistleblower Protection Law's intricate provisions. Within this narrative, the pivotal role of entities entrusted with receiving corruption disclosures gains prominence: their responsibility in elucidating legal intricacies to citizens, particularly those concerning protection and incentives, while concurrently spotlighting the dangers of corruption and the societal gains arising from its elimination.

¹⁸ United Nations Convention Against Corruption, Article 13/1.

¹⁹ Transparency International, "International Principles for Whistleblower Legislation."

However, it is unfortunate that the National Anti-Corruption Commission (NACC) has yet to embark on substantial initiatives in this domain, despite the authorization granted by Article 26 of Law No. 175, dated 8/5/2020, Combating Corruption in the Public Sector and Establishing the National Anti-Corruption Commission. This article underscores the paramount significance of information dissemination, calling for the creation of educational materials, the orchestration of seminars, and the utilization of media platforms to educate the public about integrity, anti-corruption efforts, and preventative measures.

Moreover, it's crucial to recognize that security forces play a pivotal role in the practical application of the law. However, their lack of understanding about its provisions can hinder its effective implementation

13. Absence of Anonymous Reporting: A Gap in Whistleblower Protection Law

A notable requirement outlined in the Whistleblower Protection law pertains to the disclosure's content, which must include the whistleblower's comprehensive information such as their full name, professional activity, address, work address, and telephone number. This stipulation aligns with the provisions of the Code of Criminal Procedure, mirroring the prerequisites for accepting a denunciation from an informant who has knowledge of or has heard about an offense (Article 27/2). The inclusion of the whistleblower's name serves the purpose of preventing the potential submission of false or defamatory disclosures²⁰.

Interestingly, the Directive (EU) 2019/1937 of the European Parliament and Council, issued on October 23, 2019, acknowledges the possibility of countries permitting disclosures without revealing the whistleblower's identity. Article 6/2 of the directive states that while Union law maintains obligations for anonymous reporting, Member States retain the authority to decide whether private or public sector entities and competent authorities are obliged to accept and pursue anonymous reports of breaches²¹.

Lebanon's Whistleblower Protection Law, however, does not provide the avenue for anonymous reporting, diverging from best practices and guidelines like those set forth by the aforementioned directive. This absence of an option for anonymous disclosures can potentially discourage individuals from coming forward with sensitive information, particularly when they have legitimate concerns about their safety or potential retaliation. Recognizing the benefits of anonymous reporting in promoting transparency and accountability, addressing this gap in the legislation becomes crucial for enhancing the effectiveness of the whistleblower protection framework.

²⁰ Mekanna, Ziad. Manual for Protecti

²¹ Article 6.2 of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of individuals who report breaches of Union law.

14. Gaps in Communication Channels: Excluding NGOs and Media Outlets in Whistleblower Protection Law

Efforts to streamline corruption disclosure procedures stand essential in promoting citizen engagement, aligning with the goal of introducing individuals to designated disclosure-receiving entities. The Whistleblower Protection law, as elucidated in Article 1/d²² further defines "Disclosure" as encompassing any record or document containing corruption-related information. Mandated by Article 4, disclosures are to be submitted through legally recognized means, historically involving written submissions. However, in the digital era, electronic submissions are endorsed by the Law of Electronic Transactions and Personal Data²³.

While international frameworks, including Article 13/2 of the United Nations Convention Against Corruption and principle 18 of the International Principles for Whistleblower Legislation, endorse diverse communication avenues, Lebanon's present legislation reveals deficiencies. Notably, the law lacks provisions enabling whistleblowers to utilize non-governmental organizations (NGOs) or media outlets to report corruption cases, limiting accessible avenues for disclosure.

Conversely, Lebanon's legal framework governing the National Anti-Corruption Commission presents opportunities for cooperation with NGOs and media outlets. Article 17/1 of the Law on Combating Corruption in the Public Sector and Establishing a National Anti-Corruption Commission²⁴ empowers the NACC to solicit information from Lebanese or foreign entities, specifically encompassing civil society organizations and media outlets. Similarly, Article 18/d of the same law underscores the potential for collaboration within the principles of good governance.

Notably, the Public Prosecution can leverage its mission and authority, as stated in Article 24/CCP, to engage with NGOs and media outlets effectively. Article 25/CCP, particularly clause (e), empowers the Public Prosecution to employ lawful means for gathering information about crimes, potentially establishing a channel for comprehensive collaboration between the Public Prosecution and external entities²⁵.

Despite these legislative avenues, the absence of explicit provisions for reporting through NGOs and media outlets remains a challenging gap in Lebanon's whistleblower protection framework. Emulating international principles, such as principles 17 and 19 of the International Principles for Whistleblower Legislation²⁶, could address this deficiency, enhancing the collaboration between the Public Prosecution, civil society, media outlets, and the NACC. This comprehensive approach would contribute to a more transparent and robust mechanism for corruption disclosures.

²² Law No. 83, dated 10/10/2018, Official Gazette No. 45 dated 10/18/2018, p. 4580.

²³ Law No. 81, dated 10/10/2018, Official Gazette, Issue 45, dated 10/18/2018, p. 4546. According to Article 1 of this law, "writing" is considered "the process of writing or recording letters, numbers, characters, symbols, or data, provided that they are comprehensible, regardless of the format used (paper or electronic) and the medium through which the information is transferred." The same article also defines the "electronic document" as "the ordinary or official document, as defined by the Code of Civil Procedure, which is issued in an electronic form."

²⁴ Article 17/1 of the Law on Combating Corruption in the Public Sector and Establishing a National Anti-Corruption Commission.

²⁵ Mekanna, Ziad. Manual for Protecting and Motivating Whistleblowers. Lebanese Transparency Association, 2022

²⁶ Transparency International, International Principles for Whistleblower Legislation: Best Practices for Laws to Protect Whistleblowers and Support Whistleblowing in the Public Interest,

V. RECOMMENDATIONS

Drawing on the analysis, the paper proposes a set of recommendations to address the identified challenges and enhance accountability through the institutionalization of whistleblower protection and grievance mechanisms:

1. Safeguarding Whistleblower Protection and Legal Integrity: Guiding Principles for Preventing Misuse

To prevent the exploitation of whistleblower protection laws through coercive practices that resemble judicial negotiation, the Discriminatory Public Prosecution should issue clear instructions affirming the proper application of these laws.

The instructions should:

- Emphasize that whistleblower protections are meant to shield individuals who proactively report misconduct, not serve as bargaining tools during prosecution.
- Clarify that reducing sentences or granting immunity in exchange for testimony is not the purpose of whistleblower laws.
- Advise prosecutors to uphold the principle of legality and exercise discretion ethically when invoking whistleblower statutes during prosecution.
- Caution against discrimination when granting whistleblower status, to avoid any semblance of selectively incentivizing testimony.
- Mandate ongoing review of whistleblower cases to detect misuse and maintain oversight.

By implementing these instructions, we can ensure that whistleblower protection laws are used for their intended purpose, preventing their exploitation as bargaining tools within judicial negotiations. This approach will uphold the principles of legality, fairness, and transparency, ultimately contributing to the restoration of trust in the legal system and safeguarding the integrity of whistleblower protection.

2. Empowering Oversight: Unlocking the NACC's Anti-Corruption Capacity

To enable the timely activation of the National Anti-Corruption Commission and accelerate anti-corruption progress, the State Council and Civil Service Council should prioritize clearing bureaucratic obstacles and approve the NACC's proposed internal regulations and code of ethics without further delay.

The prompt adoption of internal rules and staffing of the NACC is imperative to sidestep bureaucratic inertia, empower the Commission to fulfill its anti-corruption mission, enforce whistleblower protections, and uphold the rule of law. Decisive action by concerned state bodies would signal Lebanon's commitment to tackling corruption and improving governance.

3. Ensuring Adequate Resourcing for Lebanon's Anti-Corruption Institution

To enable effective enforcement of anti-corruption laws and robust functioning of the NACC, the Government should allocate sufficient financial resources in the annual state budget. This funding should account for operational costs, staffing, and key mandates of the NACC including implementing whistleblower programs and conducting investigations.

Additionally, the NACC should urgently seek technical and financial assistance from Lebanon's international partners. The country's commitments as a state party to the UN Convention Against Corruption provide grounds to leverage international support and secure alternative funding channels through multilateral and bilateral cooperation.

4. Strengthening Enforcement: Filling the Penalties Gap in National Anti-Corruption Commission's Decisions

To ensure the effectiveness of the National Anti-Corruption Commission (NACC) in enforcing its decisions and safeguarding whistleblowers, penalties for non-compliance must be instituted. Proportional sanctions should apply to entities that fail to implement the NACC's decisions related to whistleblower protections and other anti-graft measures.

Introducing repercussions for disregarding the NACC's mandates is vital to uphold the Commission's authority, create a robust anti-corruption framework, and provide actual safeguards to whistleblowers instead of merely theoretical protection.

Parliament should therefore urgently enact provisions that define punitive actions against non-compliant parties, calibrated to the gravity of the violation. This would create a strong deterrent effect, close an enforcement gap in Lebanon's anti-corruption legislation, and ensure whistleblowers can securely assist anti-graft efforts without fear of retaliation.

5. Empowering the Whistleblowers Reception Office for Effective Anti-Corruption Engagement

To operationalize the Whistleblowers Reception Office and provide accessible channels for corruption reporting, the Ministry of Justice should take the following steps:

- Set up a dedicated hotline and create an official website to widely publicize the Office and disseminate information to boost public awareness.
- Establish a secure online platform and private email address to receive disclosures, ensuring anonymity and data protection for whistleblowers.
- Develop methodological Standard Operating Procedures for processing and transmitting whistleblower evidence to the Cassation Public Prosecution.

Additionally, the expertise gained should inform the gradual expansion of whistleblower reception capacities in Public Prosecution offices nationwide.

Implementing these measures will foster whistleblower trust, facilitate corruption reporting, relieve pressure on a single Office, and uphold whistleblower protections.

6. Harmonizing Dual Authority: Enhancing Coordination for Effective Whistleblower Protection

To optimize the whistleblower protection process under the dual authority of the National Anti-Corruption Commission and Public Prosecution, a formal coordination mechanism should be established. This will facilitate seamless collaboration, consistent application of protection laws, and eliminate duplication of efforts.

Specifically, a protocol should be jointly developed to institute secure communication channels, ensure systematic information sharing between the two entities, delineate case handling procedures, and clarify decision-making roles.

Additionally, a centralized whistleblower case database should be created to consolidate disclosures received through both channels.

Formalizing cooperation between the NACC and Public Prosecution will help overcome fragmentation, boost institutional synergies, enhance efficiency, provide comprehensive protection for whistleblowers, and strengthen Lebanon's anti-corruption architecture.

7. Reinforcing Deterrence: Strengthening Penalties in Whistleblower Protection Law

To ensure fines enacted by Law No. 83/2018 effectively deter contraventions against whistleblower protections, their amounts should be revised to counteract the effects of currency devaluation.

Specifically, penalties for confidentiality breaches, infliction of career damage, and other violations should be recalibrated to reinstitute their power as intimidating deterrents. This necessitates undertaking a comprehensive review of all prescribed fines, followed by new legislation to update the amounts commensurate with the current economic realities.

8. Strengthening Whistleblower Protection: Defining Physical Protection Measures Effectively

To enable the robust implementation of physical protection measures for whistleblowers under Law No. 83/2018, the Discriminatory Public Prosecution should formulate clear definitions and procedural guidelines in coordination with security agencies.

Specifically, the Public Prosecution must delineate precise physical safeguards like security details, surveillance, and confidentiality protocols. Additionally, concrete means and mechanisms to resource and execute protection should be identified, overcoming limitations of "available means".

The Discriminatory Public Prosecution and security forces should also institute formal coordination channels, along with monitoring mechanisms to guarantee enacted safeguards match case-specific risks.

Defining precise protection protocols and allocating adequate resources is imperative to translate Law No. 83/2018's provisions from theoretical protection into on-ground safety for whistleblowers taking immense risks to combat corruption.

9. Operational Efficiency for Whistleblower Rewards: Tackling Implementation Challenge

To fulfill the whistleblower reward scheme envisioned in Law No. 83/2018, the Ministry of Finance must urgently establish the dedicated account for incentive disbursement as mandated by Article 13.

Expediting the creation of this account is crucial to facilitate the National Anti-Corruption Commission's decisions regarding reward allocation, ensuring timely incentives for whistleblowers assisting anti-corruption efforts.

Bridging this gap between the legislative framework and operational infrastructure will reinforce whistleblower motivation, validate the protection system, and demonstrate Lebanon's commitment to equipping anti-corruption institutions with the tools to function effectively.

10. Cultivating Citizens' Trust: Enhancing Transparency in Lebanon's Anti-Corruption Architecture

To build public trust and maximize engagement with anti-corruption efforts, transparency and feedback mechanisms should be strengthened for whistleblower disclosures.

- Specifically, the National Anti-Corruption Commission and Public Prosecution should institute procedures to:
- Systematically update whistleblowers on investigation status, outcomes, and resultant actions against perpetrators.
- Publish anonymized data on the number of disclosures received, processing timelines, and investigation results.
- Create secure channels for whistleblowers to provide feedback on their experience.
- Ensure disclosures are taken seriously and rigorously investigated before making determinations.

Enhancing transparency will require introducing amendments to the legislative framework, including Law No. 83/2018 and Law No. 175/2020, to codify provisions for whistleblower communication and publication of disclosure data.

11. Safeguarding Justice: Ensuring Judicial Independence to Anchor Anti-Corruption Reforms

To reinforce public trust and maximize the impact of bodies prosecuting corruption, Lebanon must guarantee the independence of the judicial authority.

Specifically, Parliament should expedite the passage of legislation codifying the independence of the judiciary from political interference.

An impartial justice system is the lynchpin for upholding the rule of law. Guaranteeing its independence would strengthen the prosecution process, encourage whistleblower engagement, and consolidate momentum in fighting systemic corruption.

12. Enlightening the Path: Addressing Inadequate Public Awareness in Whistleblower Protection Law

To maximize the impact of whistleblower protections, the National Anti-Corruption Commission should urgently undertake national campaigns to educate the public, officials, and security forces on Law No. 83/2018 provisions.

Specifically, the NACC should:

- Produce educational materials detailing whistleblower rights and corruption reporting procedures.
- Conduct awareness seminars for government agencies, security forces, legal professionals, and civil society.
- Collaborate with anti-corruption NGOs and media outlets to develop and amplify public messaging through outlets like social media.
- Integrate these outreach initiatives into official NACC activities to sustain engagement.

Additionally, security forces should be trained on properly implementing whistleblower protections.

Leveraging partnerships with civil society and media is key to expanding the reach and effectiveness of awareness campaigns. Proactive public engagement will activate Lebanon's anti-corruption framework.

13. Closing a Crucial Loophole: Allowing Anonymous Whistleblower Disclosures

To align with international best practices and encourage reporting of misconduct, Lebanon's whistleblower protection law should be amended to permit anonymous disclosures.

Specifically, the law should be revised to provide an option for whistleblowers to submit anonymous reports of wrongdoing to anti-corruption authorities while still qualifying for protections and incentives.

Introducing anonymous reporting mechanisms with appropriate safeguards against false allegations would promote transparency, address legitimate whistleblower concerns over retaliation, and boost engagement with anti-corruption efforts.

14. Closing Communication Gaps: Engaging NGOs and Media in Lebanon's Whistleblower Framework

To align with international best practices, Lebanon should amend its whistleblower protection law to explicitly enable disclosures through specialized NGOs and media outlets.

Formally designating these entities as additional reporting channels, alongside anti-corruption authorities, would enhance transparency and simplify the process for whistleblowers.

Specifically, the law should be revised to:

- Permit whistleblowers to submit corruption reports to trusted NGOs and media outlets.
- Oblige these entities to securely forward disclosures to the National Anti-Corruption Commission or Public Prosecution.
- Facilitate cooperation between authorities, NGOs and media to raise awareness and protect whistleblowers.

Formalizing this engagement strengthens Lebanon's anti-corruption architecture, mirrors global standards, and validates the vital role of civil society and media in combating corruption.

The recommendations, proposed timeframes, and responsible entities for strengthening whistleblower protections and anti-corruption efforts in Lebanon are summarized in the following table:

Title	Recommendation	Timeline	Responsible Party
Safeguarding Whistleblower Protection and Legal Integrity	<ul style="list-style-type: none"> - Issue instructions affirming proper application of laws - Emphasize whistleblower laws are not bargaining tools - Advise upholding legality principles in invoking laws - Caution against discrimination in granting status - Mandate ongoing review to detect misuse 	Short-term	Discriminatory Public Prosecution
Empowering Oversight	<ul style="list-style-type: none"> - Prioritize clearing bureaucratic obstacles - Promptly approve NACC's internal regulations and code of ethics 	Short-term	State Council, Civil Service Council
Ensuring Adequate Resourcing for Lebanon's Anti-Corruption Institutions	<ul style="list-style-type: none"> - Allocate sufficient budgetary resources - Seek technical and financial support from international partners 	Short-term	Government of Lebanon, Ministry of Finance, NACC
Strengthening Enforcement	<ul style="list-style-type: none"> - Institute penalties for non-compliance - Apply proportional sanctions for violations - Enact provisions defining punitive actions 	Medium-term	Parliament

Empowering the Whistleblowers Reception Office	<ul style="list-style-type: none"> - Set up dedicated hotline and website - Establish secure online platform and email - Develop SOPs for processing disclosures - Expand capacities nationwide 	Short-term	Ministry of Justice
Harmonizing Dual Authority	<ul style="list-style-type: none"> - Institute formal coordination mechanism - Develop communication protocols - Create centralized case database 	Medium-term	NACC, Discriminatory Public Prosecution
Reinforcing Deterrence	<ul style="list-style-type: none"> - Review and recalibrate prescribed fines - Adjust penalty amounts for currency devaluation 	Medium-term	Parliament
Strengthening Whistleblower Protection	<ul style="list-style-type: none"> - Formulate clear definitions and guidelines - Identify concrete resources and mechanisms - Institute coordination channels and monitoring 	Medium-term	Discriminatory Public Prosecution, Security Forces
Operational Efficiency for Whistleblower Rewards	<ul style="list-style-type: none"> - Urgently establish dedicated account - Expedite incentive disbursement procedures 	Short-term	Ministry of Finance
Cultivating Citizens' Trust	<ul style="list-style-type: none"> - Systematically update whistleblowers - Publish anonymized disclosure data - Create whistleblower feedback channels - Ensure rigorous investigation of disclosures 	Medium-term	Parliament, NACC, Public Prosecution
Safeguarding Justice	<ul style="list-style-type: none"> - Expedite legislation codifying judicial independence 	Medium-term	Parliament
Enlightening the Path	<ul style="list-style-type: none"> - Produce educational materials - Conduct awareness seminars - Collaborate with NGOs and media - Integrate outreach into NACC activities - Train security forces 	Medium-term	NACC, Security Forces

Allowing Anonymous Whistleblower Disclosures	<ul style="list-style-type: none"> - Revise law to permit anonymous disclosures - Ensure anonymous reporters get protections 	Medium-term	Parliament
Engaging NGOs and Media in Lebanon's Whistleblower Framework	<ul style="list-style-type: none"> - Designate NGOs and media as reporting channels - Oblige forwarding of disclosures to authorities - Facilitate cooperation on awareness and protection 	Medium-term	Parliament

VI. CONCLUSION

This policy paper has conducted a comprehensive analysis of the challenges facing Lebanon in establishing effective whistleblower protection and grievance mechanisms. The existing deficiencies in the legislative framework, resource limitations, coordination gaps, and implementation obstacles have eroded the country's anti-corruption framework. The exploitation of whistleblower laws, delays in activating oversight bodies, opaque processes, and weak deterrence mechanisms have exposed significant flaws in the accountability system. Inadequate whistleblower safeguards and limited public engagement highlight a governance system that inadvertently perpetuates corruption rather than curbing it.

Addressing these issues requires a multi-faceted approach across various fronts. The recommendations presented in this paper are designed to empower institutions responsible for upholding integrity and accountability. By preventing the misuse of laws, implementing effective coordination protocols, recalibrating penalties, enhancing transparency, and ensuring judicial independence, Lebanon can take crucial steps towards a stronger anti-corruption framework. The sustained allocation of resources to oversight bodies, comprehensive public awareness campaigns, legislative amendments, and robust protection against retaliation are all pivotal to solidifying these reforms. A holistic strategy that addresses structural shortcomings as well as implementation challenges is essential for translating legislative intent into tangible outcomes.

Recognizing that citizens' reports of corruption serve as a final defense for the rule of law in the absence of effective official monitoring, and provide a vital means of recovering illegally obtained funds for the public treasury, the protection of whistleblowers has become a universal priority. It's evident that almost five years after enacting the legislation, encouraging individuals to disclose vital information to competent authorities has not yielded significant results. Even the 2020 amendment, aimed at mitigating challenges tied to the National Anti-Corruption Commission's formation, did not lead to substantial progress²⁷.

²⁷ Mekanna, Ziad. Manual for Protecting and Motivating Whistleblowers. Lebanese Transparency Association, 2022

Now, with the establishment of the National Anti-Corruption Commission and the imminent launch of the "Whistleblowers Reception Office," there is a prime opportunity to activate these provisions effectively. This should coincide with the commencement of the Commission's legal functions, including the powers outlined in Law No. 83/2018. As these developments unfold, Lebanon's commitment to fighting corruption will be underscored through concrete actions. The institutionalization of robust whistleblower and grievance mechanisms will be pivotal in restoring public trust that has been eroded by endemic corruption. These recommendations chart a course towards a reformed state that champions integrity and accountability as foundational governance principles. Their timely implementation will demonstrate Lebanon's dedication to empowering citizens to expose corruption without fear, positioning them as essential partners in the fight against corruption.

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