

WHISTLEBLOWERS' PROTECTION LAW

Simplified Guide



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LEBANON - NO CORRUPTION

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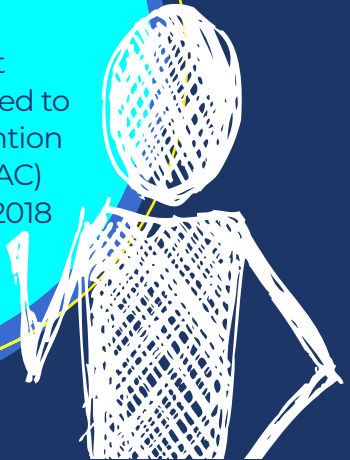
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INTRODUCTION

Corruption poses a serious threat to the stability and security of society, the values of democracy and justice, and the proper functioning of institutions. To combat corruption, Lebanon acceded to the United Nations Convention against Corruption (UNCAC) and issued Law No. 83 of 2018 on the Protection of Whistleblowers.



The Law on the Protection of Whistleblowers aims at:

Combating corruption and holding perpetrators accountable

Encouraging citizens to report acts of corruption

Protecting whistleblowers

Motivating whistleblowers

The present guide explains, in simple terms, citizens' rights to protection and incentives and how they can report corrupt acts to fulfill the noble goal of the Whistleblower Protection Law

Conditions for Benefiting from Protection and Incentives

Disclosure Submission



Public Servant

A public servant is any person holding a legislative, judicial, executive, administrative, military, security, or advisory position, regardless of the nature of their appointment or their salary; this also includes any person performing public functions that advance the public interest.



Corruption

“Corruption refers to a public servant’s abuse of their authority, position, or work with the purpose of achieving undue gains or benefits.”



Whistleblower

A whistleblower could be a natural or legal person (such as associations or companies).



Rules for Disclosure Submission

Whistleblower's Personal Data

- Full name
- Profession
- Home and Work Address
- Telephone Number



Information pertaining to the disclosure

- Information on potential acts of corruption
- Nature of the reported acts of corruption
- Name of the individual(s) involved in acts of corruption according to the whistleblower
- Place and time at which acts of corruption occurred or may occur
- Any evidence or means, such as documents or recordings, that would reinforce the disclosure



Means of disclosure submission

To whom shall the disclosure be submitted?

1

▶ The form could be submitted in writing

2

▶ The form could be submitted as a soft copy via email to the address designated for this purpose

The disclosure shall be submitted in writing
Phone calls are not considered acceptable means of disclosure



To the National Anti-Corruption Commission

It is an independent administrative body that enjoys a legal personality, along with financial and administrative independence, **established on 28/1/2022**

To the Competent Public Prosecution

Public Prosecution at the Court of Cassation

(headquartered at the Palace of Justice in Beirut)

Financial Public Prosecution

(headquartered at the Palace of Justice in Beirut)

Public Prosecutions at the Courts of Appeal

(headquartered in districts)

Military Public Prosecution

(headquartered at the Military Court in Beirut)

“It is preferable that all corruption disclosures be submitted to the National Anti-Corruption Commission where a ‘Whistleblower Reception Office’ is established specifically for receiving corruption disclosures while ensuring the confidentiality of whistleblowers. Disclosures may also be submitted to the aforementioned public prosecutions based on the nature of the reported acts of corruption.”

Protection Measures and Means

First

Protection Measures

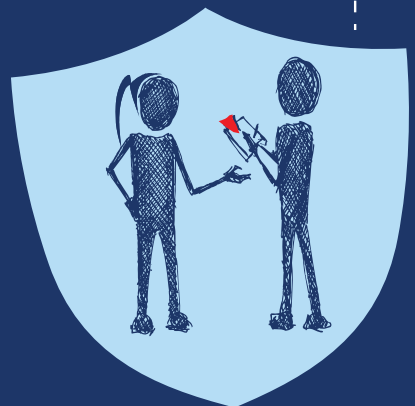
The protection measures below aim at encouraging the disclosure of corruption and ensuring the protection of whistleblowers

Physical Protection Measures

01 Such measures are taken either upon the request of the whistleblower or without it, and they may include the whistleblower's family members, subordinates, experts, and witnesses

02 Security forces shall implement physical protection measures

03 Employment protection measures



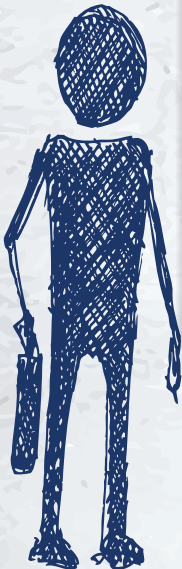
These protection measures are taken at the National Anti-Corruption Commission's initiative or upon the request of the private sector employee or civil servant

Employment Protection Measures

A

Private Sector Employee

- The National Anti-Corruption Commission verifies the causal relation between the damage incurred to employment and the disclosure of corruption.
- In the event of arbitrary dismissal, the whistleblower shall be granted compensation based on a decision issued by the Commission.
- The Labor Arbitration Council shall consider the Commission's report as evidence in the lawsuit filed by the employee against their employer.

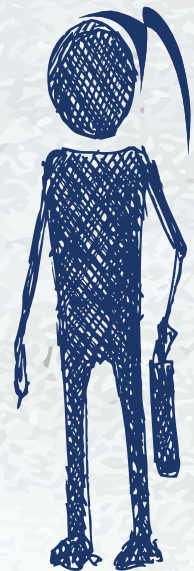


Employment Protection Measures

B

Civil Servant

- Verify the causal relation between the damage incurred to employment and the disclosure of corruption.
- Establish a presumption of innocence in favor of the whistleblower to confirm that the damage to their employment was incurred as a result of the disclosure.
- Consider any unjustified measures taken or the threat thereof as damages to employment (such as transfer of the civil servant, changing their job duties, demotion, refusal to promote, or dismissal from service).
- Restore the whistleblower's former employment status.
- Provide the chance to benefit from protection and financial compensation.



Second

Protection Means





Exculpatory Excuses

The whistleblower is granted complete immunity from punishment if the following conditions are met:

01

Recovery of rights

02

Exposing corruption

03

Timing

04

The whistleblower initiation

(i.e. the whistleblower exposes the act of corruption before the National Anti-Corruption Commission, judicial authorities, or any competent administrative body who launch any judicial or behavioural investigative measures, prosecutions, or trials).



“The aforementioned conditions aim at ensuring that disclosures are submitted with integrity at combatting corruption, and at recovering funds embezzled due to corruption”



Mitigating Excuses

Mitigating excuses lessen the penalty imposed by law based on the judge's discretion. Mitigating excuses apply if:



The disclosure is submitted after the start of investigative measures



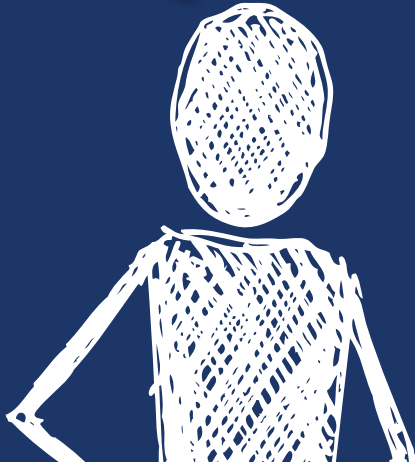
The disclosure is submitted prior to the issuance of any judgment or decision

Inapplicability and invalidity of any texts hindering the implementation of the Whistleblower Protection Law

The Law stipulates that any legal or regulatory provisions or regulations, or any administrative decisions that are inconsistent with the Whistleblower Protection Law, shall be deemed inapplicable or invalid.

Applying the Provisions of **Article 387** of the Penal Code to the Crime of Slander

If the whistleblower commits an act of slander upon disclosing a case of corruption by a civil servant
(such as accusations of theft or embezzlement of public funds)



The whistleblower shall not be punished for such slander provided that their actions were in good faith and based on:

Reasonable grounds



True (not false) Pretenses



No Fabrication of facts

Incentives

The National Anti-Corruption Commission may grant whistleblowers rewards and assistance, regardless of whether they submit the disclosure to the Commission or to the competent public prosecution (in the latter case, whistleblowers shall reserve their right to incentives and rewards)



Reward

Is a sum of money allocated to the whistleblower in return for disclosure of corruption



Assistance

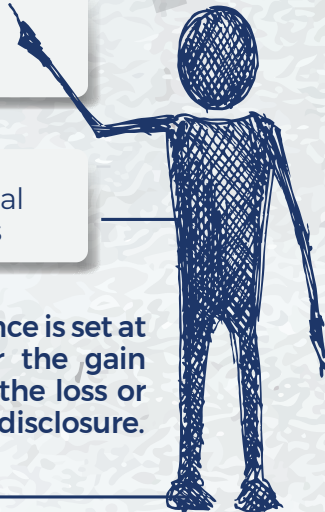
Is a sum of money granted to the whistleblower in compensation for the material and physical damage incurred due to the disclosure of corruption

Conditions for Benefiting from Rewards and Assistance

1 The whistleblower must not be involved in the corruption that they disclose

2 The disclosure must lead to the administration obtaining financial gains or avoiding material losses

The maximum value of the reward or assistance is set at 5% of the value of the sum collected or the gain achieved as a result of the disclosure, or of the loss or damage that were avoided as a result of the disclosure.



CONCLUSION

Citizens play a significant role in combatting corruption through the disclosure of corrupt acts. They provide concerned authorities with tangible information on acts of corruption, thus enabling these authorities to conduct investigations and prosecutions. As such, citizens contribute to achieving justice rather than merely complaining about corruption in general terms with no mention of the perpetrators.

Through the Law on the Protection of Whistleblowers and the means of protection and incentives thereby provided, all citizens can contribute to combatting corruption. Competent public authorities must seek to implement the said law along with other relevant anti-corruption laws in a decisive, independent, and impartial manner.

Citizens can also resort to competent civil society organizations to seek assistance and guidance in disclosing cases of corruption and benefiting from the protection and incentives offered by the Law on the Protection of Whistleblowers.

The disclosure of corruption not only serves the public interest, but it also benefits whistleblowers personally as well as all citizens in general. No one can live in a society crippled by corruption and the absence of the rule of law. Therefore, accountability must stem from citizens themselves, as they are entitled to protect their own rights and dignity.



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