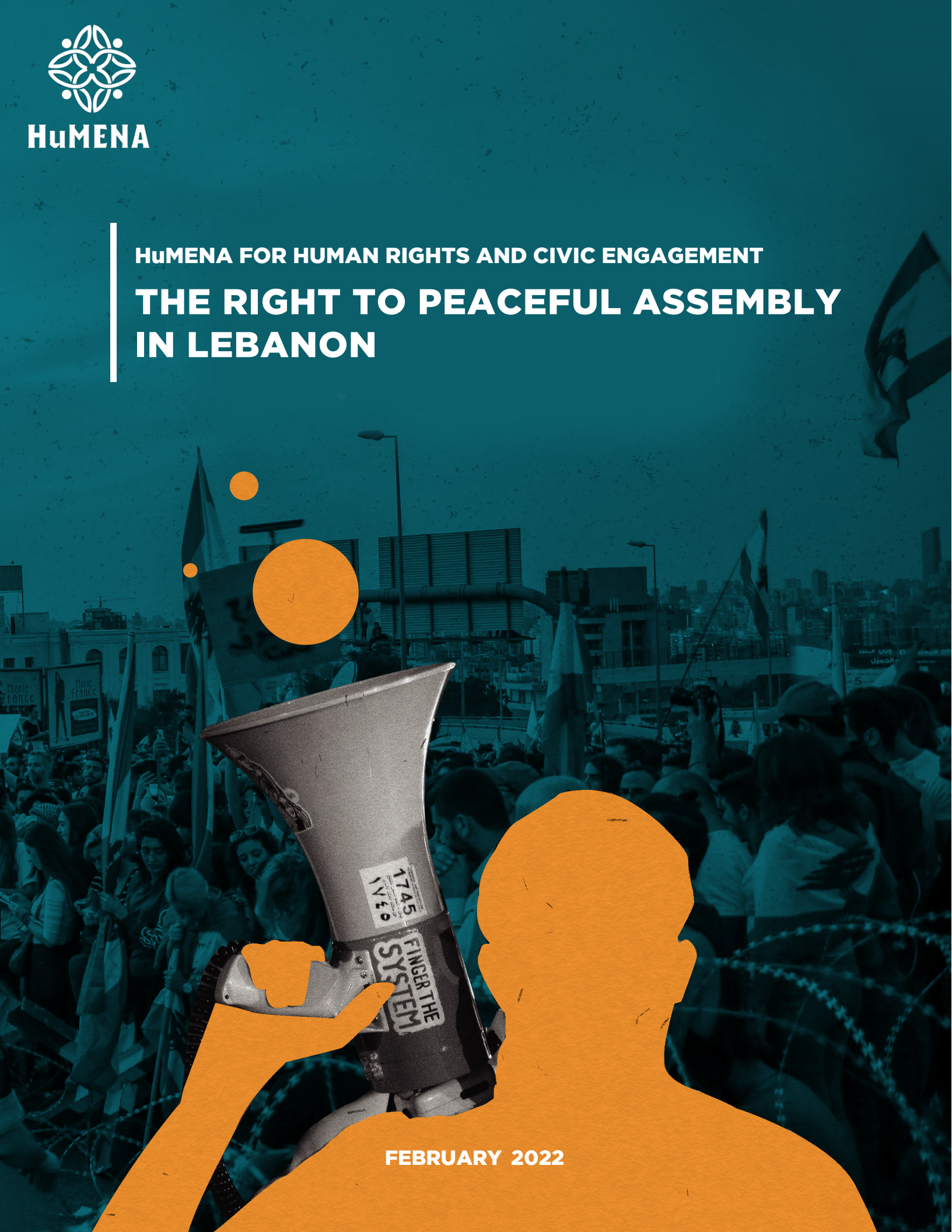




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HuMENA FOR HUMAN RIGHTS AND CIVIC ENGAGEMENT

**THE RIGHT TO PEACEFUL ASSEMBLY
IN LEBANON**



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ABSTRACT

In recent years, the global community has witnessed a rise in protests and demonstrations in response to issues afflicting the daily lives of people at all economic and social levels. In many cases, these issues are the results of violations of human rights and public freedoms committed by governments.

As of 2019, Lebanon has experienced widespread protests in response to political, economic, social, and legal issues stemming from high levels of corruption and mismanagement within the Lebanese government. These issues have negatively impacted public services and the Lebanese people's relationship with their government and its various agencies.

Consequently, Lebanese citizens exercised their Right to Peaceful Assembly, only to be met with numerous violations of this right by the Lebanese government. The perpetrators of these violations have yet to be held accountable, partly due to a legal environment that enables such violations to occur.

This paper comes in light of the aforementioned political developments with the intention of evaluating the Lebanese legal framework governing the Right to Peaceful Assembly in Lebanon, and to provide the necessary recommendations to harmonize this legal framework with the constitutional principles and international instruments that guarantee the Right to Peaceful Assembly.

TABLE OF CONTENTS

Abstract.....	ii
The Right to Peaceful Assembly in Lebanon	1
Preface	1
The Right to Peaceful Assembly	1
Forms of Exercising the Right to Peaceful Assembly	1
The Lebanese Context	2
The Importance of the Right to Peaceful Assembly and its Relation to the Right to Freedom of Opinion and Expression.....	4
Methodology	5
The Legal Framework governing the Right to Peaceful Assembly in Lebanon	5
The Lebanese Constitution	5
The General Constitutional Principles that Guarantee the Right to Peaceful Assembly in Lebanon....	5
International Law Regulating the Right to Peaceful Assembly	11
Universal Declaration of Human Rights (UDHR).....	11
The Arab Charter on Human Rights (ACHR)	12
International Covenant on Civil and Political Rights (ICCPR).....	13
Scope of Application	13
Notification Regime	18
Duties and Jurisdiction of Law Enforcement Agencies (Military and Security Agencies)	18
National law.....	19
Legislative Decree No. 112/1959; Public Employees Regime.....	20
Lebanese Labour Law.....	20
Lebanese Penal Law	21
Decision of the Minister of Interior and Municipalities No. 1024 dated March 29, 2006; Determining the mechanism of notification to demonstration, assembly, and sit-in.....	25
Conclusions	27
Recommendations	28
Lebanese Parliament.....	28
Ministry of Interior and Municipalities	30
The Lebanese state including its ministries, courts (constitutional, juridical, and administrative), administrations, and law enforcement agencies	31

THE RIGHT TO PEACEFUL ASSEMBLY IN LEBANON

Preface

The Right to Peaceful Assembly

The Right to Freedom of Peaceful Assembly (the “Right to Peaceful Assembly” or “the right”) is defined as “*the right to gather publicly or privately and collectively express, promote, pursue and defend common interests*”¹. Protests, demonstrations, and other displays of collective dissent are valid ways of exercising this right according to this definition.

As we shall discuss in the following sections, the Right to Peaceful Assembly is a basic human right. This means that all individuals and groups benefit from it without a need for a government entity to grant them the right. Thus, a government’s responsibility as it relates to the right is to facilitate its exercise. It should also be noted that this right, as detailed by Article 4 of the International Covenant on Civil and Political Rights (ICCPR), is not an absolute right and can be restricted in accordance with the principles of necessity and proportionality, albeit in a way that does not contradict the ICCPR.

Hence, the government cannot restrict this right to specific individuals or groups on the basis of race, color, gender, language, religion, political or non-political opinion, national or social origin, or any other personal characteristics. Restrictions of the Right to Peaceful Assembly must comply with specific criteria specified by international standards which will be presented later. The essence of these standards is that any restrictions on the right meet the requirement of legality, be necessary in a democratic society to protect public order, public health, or the rights and freedoms of others. Restrictions are also subject to the principles of necessity and proportionality. In any case, the freedom to exercise the Right to Peaceful Assembly must be the norm and its restriction, the exception.

Forms of Exercising the Right to Peaceful Assembly

The exercise of the Right to Peaceful Assembly can take many forms, whether in public or private. Examples of gatherings that have been considered by international courts and human rights mechanisms are:

- Demonstrations²

¹ Former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. Available at: <http://freeassembly.net/about/freedoms/>

² Nikolai Alekseev v. Russian Federation - Human Rights Committee - Communication No. 1873/2009. Views adopted by the Committee at its 109th session, held from 14 October to 1 November 2013. Available at: <https://juris.ohchr.org/Search/Details/1686>

- Pickets³
- Processions⁴
- Rallies⁵
- Sit-ins⁶
- Roadblocks⁷
- Gatherings and meetings at privately owned spaces⁸
- Public readings of press statements⁹

The above examples expound on the concept of “assembly”. As for the concept of "peaceful", the European Court of Human Rights (ECtHR) defines it as the intention of the organizers or participants. It also held that, even in the event of violence by participants, those who maintain a peaceful movement should not be deprived of their Right to Peaceful Assembly¹⁰.

The importance of this decision lies in the fact that it does not allow the government to undermine this right if an act of violence is committed by some participants. If such a case arises, government agencies must limit, control and stop violent acts while complying with international human rights law without breaking up the protests, while also ensuring the right of peaceful individuals to gather safely and protecting them.

THE LEBANESE CONTEXT

In light of difficult living conditions and after the emergence of an economic and financial collapse, the Lebanese government’s decision to impose a tariff on WhatsApp calls in October 2019 triggered the Lebanese people’s anger towards their government. This was a turning point that prompted the Lebanese citizens to take to the streets and express their outrage over the governmental mismanagement and unsuccessful policies which led them

³ Galina Yubko v. Belarus – Human Rights Committee – Communication No. 1903/2009. Views adopted by the Committee at its Hundred and Tenth Session, held from 10 to 28 March 2014. Available at: <https://juris.ohchr.org/en/Search/Details/1808>

⁴ CHRISTIANS AGAINST RACISM AND FASCISM v. the UNITED KINGDOM – European Court of Human Rights. 16 July 1980. Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-74286%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-74286%22]})

⁵ CASE OF KASPAROV v. RUSSIA – European Court of Human Rights. October 10, 2016. Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-167094%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-167094%22]})

⁶ CASE OF ÇILOĞLU and others v. TURKEY - European Court of Human Rights. March 6, 2007. Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-79664%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-79664%22]})

⁷ CASE OF KUDREVIČIUS and others v. LITHUANIA - European Court of Human Rights. November 15, 2015. Available at: [https://hudoc.echr.coe.int/eng#{%22tabview%22:\[%22document%22\],%22itemid%22:\[%22001-158200%22\]}](https://hudoc.echr.coe.int/eng#{%22tabview%22:[%22document%22],%22itemid%22:[%22001-158200%22]})

⁸ CASE OF EMIN HUSEYNOV v. AZERBAIJAN - European Court of Human Rights. May 7, 2015. Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-154161%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-154161%22]})

⁹ CASE OF OYA ATAMAN v. TURKEY - European Court of Human Rights. December 5, 2006. Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-78330%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-78330%22]})

¹⁰ The decision of the European Court of Human Rights as to the admissibility of Application no. 61821/00 by Cristian ZILIBERBERG v. MOLDOVA. Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-23889%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-23889%22]})

to this point. Protestors demanded government reforms and pushed for comprehensive policies which would secure them their basic human rights. Roadblocks were one of the most prominent pressure tools used by protestors for nearly three weeks until the government resigned. Demonstrations continued for several other months throughout all Lebanese regions.

Two years since the demonstrations began, disagreements between the various political parties have complicated the situation in Lebanon. In the last two years, four designated Prime Ministers attempted to form a new government with only two of them doing so successfully. These major disruption in the government formation process comes as a result of political gridlocks between the various political parties represented in the government. For nearly thirteen months, the government – which later resigned as a result of the Beirut Port Blast in August 2020 - ruled with minimal caretaker capacity.

Since the economic and financial collapse was triggered in 2019, the Lebanese government and Lebanese society as a whole have faced many challenges, the main challenge being the severe devaluation of the Lebanese currency, which harmed public and private; industrial, commercial, and service sectors. In addition, the COVID-19 pandemic coincided with that crisis, which had a further dampening effect on the national economy, and more specifically the health sector. Furthermore, the Beirut Blast on August 4, 2020, came with large economic, social, and more recently, political repercussions that paralyzed the government and halted decision-making processes, and prevented it from implementing the necessary reform policies for economic reform which further exacerbated the economic crisis.

All of these challenges had severe consequences for Lebanese citizens. According to the International Labour Organization (ILO), the unemployment rate reached 33% in 2021¹¹. The multidimensional poverty rate reached 82%, and the multidimensional extreme poverty rate was 40% in Lebanon in 2021 according to ESCWA¹². Also, UNICEF is warning of a drinking water crisis, not to mention the fuel crisis, and the dramatic drop in the value of the Lebanese pound. Inflation in Lebanon affected food commodities' prices, which, according to the World Food Program, reached 340% in 2021¹³. All economic sectors in Lebanon collapsed, including the health sector. The gross domestic product (GDP) declined from 55.2 billion US dollars in 2018 to 31.7 billion US dollars in 2020¹⁴,

¹¹ Assessing Informality and Vulnerability among Disadvantaged Groups in Lebanon: A Survey of Lebanese, and Syrian and Palestinian Refugees. Technical Report. June 2021. Available at: https://www.ilo.org/wcmsp5/groups/public/--arabgovernments/--ro-beirut/documents/publication/wcms_816649.pdf

¹² Multidimensional poverty in Lebanon (2019-2021). Painful reality and uncertain prospects. United Nations - ESCWA. p. 2. Available at: https://lebanon.un.org/sites/default/files/2021-09/21-00634-multidimensional_poverty_in_lebanon_policy_brief_-_en_0.pdf

¹³ Lebanon - Country Brief Report. World Food Programme. Available at: <https://ar.wfp.org/countries/lebanon-ar>

¹⁴ Lebanon - GDP. World Bank. Available at: <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=LB>

and the inflation rate rose to the highest globally, according to Bloomberg, by up to about 200% in the middle of 2021¹⁵. All of the above constitutes a gross violation of human rights.

THE IMPORTANCE OF THE RIGHT TO PEACEFUL ASSEMBLY AND ITS RELATION TO THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION

All these challenges facing Lebanese citizens constitute a daily violation of their human rights such as the right to work and the right to an adequate standard of living. It is essential that the right of Lebanese citizens to peaceful assembly be guaranteed and protected so that citizens can demand the adoption of just and sustainable policies which enable them to achieve economic and social growth and prosperity.

If the Right to Peaceful Assembly is not guaranteed, the democratic status of a society is undermined. There is no need to outline the positive impact that democracy has on economic and social standards in a country, it is enough to look at the lack of sustainable development in non-democratic countries. The Right to Peaceful Assembly is a channel for practicing another human right, which is the Right to Freedom of Opinion and Expression; by exercising the Right to Peaceful Assembly, individuals and groups are capable of expressing their opinions and influencing certain policies or laws and other measures that are adopted by the government to organize society and achieve economic and social prosperity.

The benefits of the Right to Peaceful Assembly are not limited to conveying a message to decision-makers who adopt and implement public policies. The right also serves as a tool for keeping the government in check and subject to accountability, which is a requirement for effective democracy.

The popular pressure that can be realized by exercising the Right to Peaceful Assembly prevents a culture of impunity. The expectation that public officials will be held accountable in the event of any abuse of power or behavior that is not in line with the public interest is a source of power for citizens in modern governments in addition to their participation in the electoral process and public political life. The electoral process alone is not sufficient for protecting citizens' democratic rights, especially when the mandate of elected bodies is relatively long, or as happened in Lebanon between 2013 and 2018, when the mandate of the parliament was extended. Given that the Lebanese political system is parliamentary, in which Lebanese citizens do not participate in any elections at the central level other than parliamentary elections, Lebanese people had no choice but to practice their Right to Peaceful Assembly so their democratic participation persists.

¹⁵ Lebanon's Inflation Rises to Highest Globally as Crisis Deepens. Bloomberg. September 2021. Available at: <https://www.bloomberg.com/news/articles/2021-09-21/lebanon-s-inflation-rises-to-highest-globally-as-crisis-deepens>

Hence, the importance of the Right to Peaceful Assembly in any society, and more particularly Lebanese society, is clear. Guaranteeing this right ensures that people can express their opinions and push for political accountability and responsibility.

METHODOLOGY

After a brief presentation of the Right to Peaceful Assembly and its importance within the Lebanese context in general, this paper aims to display the legal framework regulating the right in Lebanon, starting with the relevant constitutional provisions, Lebanon's international obligations, and the national laws. Compliance of national laws with both constitutional principles and provisions will be reviewed, and then compared to the international standards regulating the Right to Peaceful Assembly based on Lebanon's international obligations.

International and foreign courts and mechanisms will also be referred as best practices in this matter, and will be built on so that the necessary recommendations are provided to the Lebanese government to ensure the practice of the Right to Peaceful Assembly in Lebanon.

THE LEGAL FRAMEWORK GOVERNING THE RIGHT TO PEACEFUL ASSEMBLY IN LEBANON

The legal framework governing the Right to Peaceful Assembly in Lebanon can be divided into three categories: the Lebanese constitution, international law, and national law.

The Lebanese Constitution

It can be said that the Lebanese constitution consists of two parts, the first part being the provisions written in the preamble and articles, and the second part being the general principles concluded from these written provisions which embody the constitution's spirit and goals. In the following section, we will present the principles that guarantee the Right to Peaceful Assembly, and discuss the importance of having a constitutional guarantee of a right.

The General Constitutional Principles that Guarantee the Right to Peaceful Assembly in Lebanon

The general constitutional principles constitute, in part, the guarantee of foundational principles such as the nature of governance and the relationship between authorities, as well as a guarantee of basic human rights. These guarantees are either explicit with a special provision made for each, or implied and inferred from the constitutional context and objectives. Whether directly stated or implied, the Lebanese legislative authority must guarantee the constitutional right by implementing a law that regulates it. In the absence of such legislation, the competent constitutional judicial and/or administrative courts, as the case may require, must include these guarantees in their judgements or provisions to ensure that the right is protected. Even when the legislative authority enacts legislation related to a constitutional right, the courts remain committed to the principle of **hierarchy of laws**

(rule of precedence), in which the constitution and its provisions and principles take precedence over legislation.

The Lebanese constitution¹⁶ does not include an explicit provision guaranteeing the Right to Peaceful Assembly. However, the constitutional guarantee of this right can be extracted from six constitutional texts. These are paragraphs (b), (c), and (d) of the preamble and articles 4, 7, and 13 of the first chapter, which will be presented below.

Paragraph b of the Lebanese Constitution's Preamble

Paragraph (b) of the preamble states that *“Lebanon is Arab in its identity and in its affiliation. It is a founding and active member of the League of Arab States and abides by its pacts and covenants. Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception”*.

This paragraph contains two types of obligations concerning the Right to Peaceful Assembly: regional and international. As for the regional obligation, Lebanon is committed to the Arab Charter on Human Rights (ACHR)¹⁷, which states in Article 24, paragraph 6, that *“every citizen has the right to: ... 6. Freedom of association and peaceful assembly”*. As for Lebanon's international obligations, Lebanon is committed to the Universal Declaration of Human Rights (UDHR)¹⁸, which states in Article 20, paragraph 1, that *“everyone has the right to freedom of peaceful assembly and association”* in addition to the International Covenant on Civil and Political Rights (ICCPR)¹⁹, which Lebanon ratified in 1972, that states in Article 21 that *“The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”*. Knowing that the expression “according to law” does not mean any law, which will be explained in the international law section in this paper.

The last sentence of paragraph (b) of the Preamble of the Lebanese Constitution's details the positive obligation of the legislative authority to harmonize national laws with Lebanon's international obligations. Consequently, it is the responsibility of the Lebanese Parliament to consider the international human rights standards in the legislative process.

¹⁶ Lebanese Constitution issued on May 23, 1926 with its amendments. Lebanese Parliament. Available at: [https://www.lp.gov.lb/backoffice/uploads/files/1\(الدستور%20البناني\).pdf](https://www.lp.gov.lb/backoffice/uploads/files/1(الدستور%20البناني).pdf)

¹⁷ Arab Charter on Human Rights. Available at: <https://digitallibrary.un.org/record/551368#record-files-collapse-header>

¹⁸ Universal Declaration of Human Rights. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹⁹ International Covenant on Civil and Political Rights. Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Paragraphs (c) and (d) of the Lebanese Constitution Preamble and Article 4

Constitutional principles can be inferred from the provisions of the constitution even when they are not explicitly stated, especially when those principles are related to the basic rights and freedoms of individuals, which are the cornerstone of any democratic society. In accordance with this approach, the Japanese Supreme Court ruled in the case of *Kaneko v. Japan* in 1969 that “*In a democratic society the reports of the mass media provide the people with important materials on which to base their judgments as they participate in the nation’s politics and they serve the people’s ‘Right to Know’*”²⁰. The Japanese Supreme Court confirmed the constitutional guarantee of the Right to Access Information - the Right to Know - in Japan, due to the pivotal role it plays in promoting the Right to Freedom of Opinion of Expression and Freedom of the Press, especially in a democratic society. Based on the above, it can also be said that to reach an effective exercise of the Right to Freedom of Opinion and Expression, the Right to Peaceful Assembly must also be guaranteed. Thus, when a constitution defines the nature of a regime and/or society as “democratic,” it requires that the basic tools of an effective democracy are in place. These tools include basic human rights, especially the Right to Peaceful Assembly, the Right to Freedom of Opinion and Expression, and the Right to Access Information.

In Argentina, the Supreme Court considered that the republican nature of the regime in the country necessitates the government’s commitment to citizen-driven accountability.²¹ As explained previously, the Right to Peaceful Assembly is an accountability tool that enables pressure efforts based on a society’s needs and interests, in addition to being an essential tool of exercising the Right to Freedom of Opinion and Expression.

Returning to the Lebanese constitution, Paragraph (c) of the Preamble specifies that “*Lebanon is a parliamentary **democratic republic** based on respect for public liberties...*”. Article 4 of the Constitution also states that “*Greater Lebanon is a **Republic** the capital of which is Beirut*”.

Paragraph (c) of the preamble and Article 4 both confirm the republican nature of the Lebanese political system, which brings us back to the decision of the Argentinian Supreme Court that found that republican regime require accountability which gives indirect constitutional protection to the rights that can be exercised as tools of accountability, one of which is the Right to Peaceful Assembly. The Japanese Supreme Court decision established the Right to Access Information as a foundation for the Right to Freedom of Opinion and Expression due to the importance of the first right in promoting the effective exercise of the second right in a democratic society and/or democratic regime. Therefore, the democratic nature of Lebanon, as stated in the Lebanese Constitution, is a constitutional

²⁰ The ruling of the court is available in Japanese only. A summary of the ruling is available on the Right2Info website. Available at: <https://www.right2info.org/cases/r2i-kaneko-v.-japan-201chakata-station-film-case201d>

²¹ Argentinian Supreme Court Decision No. 1/2004 - 315/2004. Available in Spanish at: https://www.right2info.org/resources/publications/case-pdfs/argentina_acordada-de-la-corte-suprema-de-justicia-de-la-nacion-no.-1-2004-exp.-315-2004-adm.-gral

guarantee of the Right to Peaceful Assembly since this latter right plays the same role that the Right to Access Information plays in terms of promoting the exercise of the Right to Freedom of Opinion and Expression. Hence, both Paragraph (c) of the Preamble and Article 4 of the Lebanese constitution guarantee the Right to Peaceful Assembly.

Following the same legal approach adopted by the Argentine and Japanese courts, it can also be said that the parliamentary nature of the Lebanese regime establishes another constitutional guarantee of the Right to Peaceful Assembly. Paragraph (d) of the preamble states that “*The people are the source of authority and sovereignty; they shall exercise these powers through the constitutional institutions.*”

The people, in a parliamentary regime, assign an authority that represents them to form other authorities that, in turn, form all public administrations, control public funds, and set the general policies of the country. Keeping in mind the relatively long term limits of the legislature, especially the Lebanese parliament which, in a flagrant violation of constitutional principles and citizen’s rights to participate in political life through elections, allows itself to extend its mandate, depriving the Lebanese people of their sole participation through parliamentary elections it is essential for the proper functioning of a constitutional system that the legislature is held accountable. Holding legislators accountable in turn requires that people can pressure them to achieve the public interest. The exercise of the Right to Peaceful Assembly, in this regard, is one of the most important forms for public pressure.

Article 7 of the Lebanese Constitution

Article 7 of the constitution states that “*All **Lebanese** shall be equal before the law. They shall equally **enjoy civil and political rights**...*”.

It is generally understood that the Right to Peaceful Assembly falls under civil and political right, and therefore, Article 7 of the Constitution is one of the constitutional guarantees of this right as well. If we examine the wording of Article 7 more closely, we find that the use of the term “enjoy” means that civil and political rights are not granted by the government, instead, Lebanese citizens have these rights independently of legislation. This article provides the constitutional guarantee that obliges all authorities to respect civil and political rights, including the Right to Peaceful Assembly.

An additional important note to make regarding the wording used in Article 7 is that although this Article limits the guarantee of these rights is to citizens, this should not mean that foreign residents on Lebanese territory cannot enjoy civil and political rights - with the exception of the right to vote, to run for office, and to hold public office, which are exclusively the rights of Lebanese citizens due to the sovereignty of the people and the bond of nationality –, especially the Right to Peaceful Assembly, which is a basic human right and is not limited to citizens. The constitutional guarantee for foreigners to exercise this right are the guarantees mentioned before, as the Lebanese society is democratic society, in addition to what will be mentioned under Article 13 of the Lebanese Constitution below.

Article 13 of the Lebanese Constitution

Article 13 of the constitution states that “***The freedom to express one's opinion orally or in writing...shall be guaranteed within the limits established by law***”.

As we previously established, the Right to Freedom of Opinion and Expression and the Right to Peaceful Assembly are closely related, since the exercise of the Right to Peaceful Assembly is one of the main tools -and in some situations the only tool- for citizens to exercise their right to express their opinion. This represents an application of the indivisibility of human rights. Consequently, Lebanon’s constitutional guarantee for the Right to Freedom of Opinion and Expression is, at the same time, a guarantee for the Right to Peaceful Assembly.

Based on this analysis of the constitutional guarantees inferred from the provisions of the Lebanese constitution, it can be said that the Right to Peaceful Assembly is a constitutional right that may not be restricted in a way that contradicts the goal of the constitutional protection of the ability of individuals and groups to express their views and participate in public life to influence the policies set and implemented by the Lebanese government in the interest of the Lebanese society. As for the meaning of exercising the Right to Peaceful Assembly, it is related to both the nature of this right and the nature of the Right to Freedom of Opinion and Expression. The Lebanese constitution does not directly specify how rights may be restricted; all that is said on the subject of restriction in Article 13 is that “***The freedom to express one's opinion orally or in writing, the freedom of the press, the freedom of assembly, and the freedom of association shall be guaranteed within the limits established by law***”. After considering the constitutional guarantee for the Right to Peaceful Assembly as a foundation of the guarantee for the Right to Freedom of Opinion and Expression, which are both non-absolute rights on the basis of Article 4 of the International Covenant on Civil and Political Rights (ICCPR), which we discussed above, the constitutional guarantee of the Right to Peaceful Assembly should also be within the scope of the law.

This does not mean any law, it is rather the legal provisions that are in line with the constitutional guarantee and the international obligations of the Lebanese government, especially since Article 2 of the Lebanese Civil Procedures Law²² adopts the rule of precedence as it states that “***The courts shall comply with the principle of the rules of hierarchy. In the event of a conflict between the provisions of international treaties and those of national law, the former shall take precedence over the latter. Courts shall not declare null the legislative authority’s acts on the grounds of the inconsistency of ordinary laws with the Constitution or international treaties***”.

The law here must be compatible with the constitutional guarantee and the international treaties ratified by the Lebanese state. If this is not applied, the courts shall adhere to the

²² Civil Procedures Legislative Decree No. 90/1983, Selected Articles. Special Tribunal for Lebanon. Available in English at: https://www.stl-tsl.org/sites/default/files/documents/legal-documents/relevant-lebanese-law/20130412_Selected_Articles_of_the_Lebanese_Code_of_Civil_Procedure_EN_1.pdf

hierarchy of legal rules and apply what is stated in the treaty or the constitution. As for the provision that the courts have no authority to declare the acts of the legislature invalid when they are not compatible with what was stated in the constitution or the relevant international treaty, it is a matter of limiting the power to challenge the constitutionality of laws only before the Constitutional Council who is competent to review the constitutionality of laws, courts in this sense only have the jurisdiction to assess which text should be applied.

As for the theory of the obstructive law (legislative shield) that was adopted by administrative jurisprudence in this regard; the presence of an enforced law, that regulates the same subject that enjoys a constitutional guarantee or regulated in a ratified international treaty, even if the law violates the constitution or the treaty, prevents the administrative court from going back to the constitution or the treaty.

In this context, the State Consultative Council (the Administrative Court in Lebanon) relatively freed itself from the theory of the obstructive law in its Decision No. 71/2001²³, which stated that , *“The decisions of the Constitutional Council are therefore binding to the judiciary as well as the public authorities. This means that the Council’s revocation of a legislative provision does not only lead to the invalidation of this text, but also applies to every similar provision or legal rule similar to the revoked provision, whether it was concurrent with the Council’s decision or prior to it, due to its violation of the provisions of the constitution, or a general principle having a constitutional value, since this [revoked] rule will be out of the legal public order, meaning that the judiciary, whether the juridical or administrative judiciary, cannot apply a provision contrary to the rule or the principle adopted by the Constitutional Council, in accordance with the principle of legitimacy, especially the principle of hierarchy of legal rules”*.

Nonetheless, The State Consultative Council retracted its jurisprudence through decision No. 672/2010 to limit the Constitutional Council’s revocation of a legal provision violating the constitution to the provision itself only, without this being applied to any other similar provisions, which is a highly criticized decision²⁴.

These two decisions emphasize that it is for the jurisprudence to develop itself according to the multiple circumstances within society while preserving the constitutional principles that govern the work of the authorities and ensure legislative stability, which is merely a response to society’s aspirations. Returning to the current Lebanese economic and social context, if there is a judicial review before the State Consultative Council regarding an administrative act, based on a law, that restricts the Right to Peaceful Assembly inconsistently with its constitutional nature and guarantee and the provisions that govern

²³ The decision is not published online, its summary was obtained from: Dr. Tariq Al-Majzoub (a former judge in the State Consultative Council and former Minister of Education and Higher Education). The Res Judicata of the Decisions Issued by the Constitutional Council and their Impact on the Decisions of the State Consultative Council - Decision of the Council of Cases No. 672 dated 12/07/2015 as an example. The Lebanese Republic - The Constitutional Council - Yearbook 2012 - Volume 6. p. 142. Available at: https://cc.gov.lb/sites/default/files/Annuaire%202012_Ar.pdf

²⁴ Idem. P. 140 to p. 148.

its regulation within the international treaties, then it is possible to the Council to liberate itself from the obstructive law theory, in compliance with the principle of legality and the application of the rule of precedence, just as it did in Decision No 71/2001, and most importantly in commitment to achieving the public interest, which is aligned with the administration's respect in its work for the human rights guaranteed by the constitution and the international obligations of the Lebanese government.

This comes in light of the provisions of Article 2 of the Civil Procedures Law, which states that ***“Courts shall not declare null the legislative authority's activities on the grounds of the inconsistency of laws with the Constitution or international treaties”***. If the State Consultative Council bypasses the obstructing law to apply the constitutional provision and/or the international treaty, it does not mean that the Council is declaring that the law is void. Rather, this means that the State Consultative Council applies the hierarchy principle. Therefore, this law could be applied in other cases where the necessary legal conditions are available.

In light of the above, the criteria that must be followed in national law to regulate the Right to Peaceful Assembly will be presented below in the international law section.

International Law Regulating the Right to Peaceful Assembly

As presented before, international law occupies an advanced position in the Lebanese legal system. Article 2 of the Civil Procedures Law which adopt the rule of precedence, where the Constitution comes at the top of the pyramid, international treaties if the content of national law contradicts with it, then come decrees, decisions, and circulars. Knowing that international treaties in this context means those ratified by the Lebanese state.

There are other types of documents that are binding to the Lebanese state, such as declarations and charters, on top of which comes the Universal Declaration of Human Rights (UDHR) and the Arab Charter on Human Rights (ACHR). Alongside this comes the international norms that remain binding to the Lebanese state even if it has not signed or ratified them unless the latter has expressed its permanent reservation to abide by these norms. These documents will be presented below in what relates to the Right to Peaceful Assembly, in addition to a brief discussion on the obligatory nature of international customs due to its importance in how to apply international obligations on the national level.

Universal Declaration of Human Rights (UDHR)

Article 20 of the Universal Declaration of Human Rights (UDHR) states that ***“Everyone has the right to freedom of peaceful assembly and association”***. This article specifies that every person is free to exercise the Right to Peaceful Assembly without limiting that to citizens within a state, or even limiting this right to a specific category, so that foreign nationals, legal and illegal immigrants, asylum seekers, and stateless people also enjoy this right which was adopted by the United Nations Human Rights Committee (HRC) through its General Comment No. 37/2020 “on the Right to Peaceful Assembly” – Article

21 – of the International Covenant on Civil and Political Rights – as this article of the Covenant corresponds to the article in the Declaration²⁵.

The Arab Charter on Human Rights (ACHR)

Paragraph 6 of Article 24 of the Arab Charter on Human Rights stipulates that “every citizen has the right to: ... 6. Freedom of association and freedom of peaceful assembly”. The Arab Human Rights Committee considered, as part of its contribution to the Office of the High Commissioner for Human Rights, “in the framework for the process of preparing draft guidelines on the effective implementation of the right to participate in public life”²⁶, that the Right to Peaceful Assembly is closely related to other human rights, and that this right is a key tool for exercising the right to participate in public life in addition to the freedom of political practice. However, article 20 of the Charter, has limited the Right to Peaceful Assembly to citizens, as it states “every citizen has the right to” which is opposed to international declarations and treaties. Nevertheless, the Lebanese government remains committed to international covenants, and thus, the exercise of the Right to Peaceful Assembly is not limited to citizen only but also all residents.

Before delving into Article 21 of the International Covenant on Civil and Political Rights, the extent to which the provisions of both the Declaration and the Charter are obligatory within the Lebanese legal system must be clarified. It is well established that international documents that are not signed and ratified at the international level, often play a guiding rather than a binding role. However, both the Universal Declaration of Human Rights and the Arab Charter on Human Rights are mandatory in the Lebanese legal system for two reasons; international and national.

Regarding the international reason, based on the global consensus on the Declaration and being signed by 192 countries, in addition to being the basic document of the International Bill of Human Rights, as well as the Arab Charter being adopted by all members of the League of Arab States, this consensus on these two documents over the decades, have created a sense of obligation, and thus made them a binding custom.

As for the national reason, paragraph b of the Preamble of the Lebanese Constitution stipulates Lebanon's commitment to the Declaration as well as the charters of both the

²⁵ General comment No. (37/2020) on the Right to Peaceful Assembly (article 21) : Human Rights Committee, United Nations [General Comment No. 37/2020], page 2, paragraph 5. Available at: <https://digitallibrary.un.org/record/3884725>

²⁶ The contribution of the Arab Human Rights Committee to the Office of the High Commissioner for Human Rights “in the framework of drafting guidelines on the effective implementation of the right to participate in public affairs”. Arab Human Rights Committee –League of Arab States. Available in Arabic at: <http://www.lasportal.org/ar/humanrights/Committee/Documents/%D8%A7%D8%B3%D9%87%D8%A7%D9%85%20%D9%84%D8%AC%D9%86%D8%A9%20%D8%AD%D9%82%D9%88%D9%82%20%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86%20%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9%20%D8%A8%D8%B4%D8%A3%D9%86%20%D8%A7%D9%84%D8%AD%D9%82%20%D9%81%D9%8A%20%D8%A7%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%83%D8%A9%20%D9%81%D9%8A%20%D8%A7%D9%84%D8%AD%D9%8A%D8%A7%D8%A9%20%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%A9.pdf>

League of Arab States and the United Nations. Another question here is raised on the constitutional value of the Preamble of the Lebanese Constitution?

The Lebanese Constitutional Council has answered this question more than once. In its decision No. 1997/1²⁷, which states that *“and since the principles in the preamble of the constitution are considered an integral part of it and enjoy a constitutional value similar to the provisions of the constitution”*.

More Recently, the Council went even further in its decision No. 5/2021²⁸ with regard to the provisions of the Universal Declaration of Human Rights, as it states that *“Whereas the legislator may form independent administrative committees or bodies of judicial capacity, to exclusively consider specific conflicts and take specific measures in response to them, provided that the procedures that are required to be adopted for the settlement of the dispute are clearly and properly defined, and that the litigants are provided with the necessary and sufficient guarantees for the review, to preserve their rights, and at the forefront of these guarantees, the decisions taken by the commission shall be subject to appeal, to correct any mistakes that may occur, **and all this is based on the general constitutional principles approved by the Universal Declaration of Human Rights in its eighth article, which has become part of the Lebanese constitution.**”*

There is no doubt that the recent decision of the Constitutional Council gives the provisions of the Universal Declaration of Human Rights advanced positioning in the legal system in Lebanon, due to the inclusion of the Declaration in the preamble of the Constitution, alongside the charters of the League of Arab States and the United Nations that include the Arab Charter on Human Rights and the International Covenant on Civil and Political Rights ratified by Lebanon. Thus, following the same legal reasoning, the charter and the covenant have the same constitutional value and rank within the same advanced positioning within the legal system of the Declaration. Noting that the ratification of the Covenant alone obliges the legislative authority to integrate its provisions within the Lebanese laws, and the judiciary in its courts is also obliged to abide by the Covenant in its rulings in the event that there is a conflict between the provisions of national law and the covenant, in application of the rule of precedence.

International Covenant on Civil and Political Rights (ICCPR)

Scope of Application

Article 21 of the International Covenant on Civil and Political Rights stipulates that : *“**The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are***

²⁷ Decision No. 1/1997; Request to repeal Law No. 654 dated 24/07/1997 on Extending the Mandate of Municipal Councils and Committees in charge of Municipal Councils' work. Available at: <https://cc.gov.lb/node/2573>

²⁸ Decision No. 5/2021; Request to repeal Articles 72, 78, 88, 89, and 91 of Law No. 244 dated 19/07/2021 Public Procurement Law. Published only in the Official Gazette

necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”.

Although the Universal Declaration of Human Rights came with the same guarantee of the Right to Peaceful Assembly, the binding force of the Covenant limits the ability of states to evade the obligation to guarantee the right because of the importance of the Covenant ratification in resolving the controversy of obliging states with this guarantee or not. The legal effects of the treaty ratification give validity to its provisions within the legal system of the ratifying states. In addition, Article 21 of the Covenant, unlike Article 20 of the Declaration, sets the framework or criteria to be adopted or allows for certain restrictions on the Right to Peaceful Assembly. These standards require adopting a triple test if the state wants to restrict the Right to Peaceful Assembly, provided that the restrictions are also limited to preserving national security, public safety, public order, protecting public health or morals, or protecting the rights and freedoms of others. Looking at Article 21, the triple test requires that the following three conditions be fulfilled together in order for the state to place restrictions on the right²⁹:

- The measure shall be in accordance with the law
- The measure shall be necessary according to the principle of proportionality
- The measure shall be necessary in a democratic society

Before delving into the explanation of the triple test, it must be emphasized that the objectives set by Article 21 that allow the state to impose restrictions on the Right to Peaceful Assembly; national security, public order..., cannot contradict the object and purpose of the Covenant itself. This is based on paragraph 1 of Article 31 of the Vienna Convention on the Law of Treaties, which stipulates that “***1. A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose***”.

Although Lebanon is not a party to the VCLT and has not ratified or signed it, it is well established that VCLT is just a codification of customary international law, specifically Article 31³⁰. Hence, given the Lebanese State’s ratification of the ICCPR, and based on the Lebanese Constitution and Article 2 of the Code of Civil Procedure, which establishes a hierarchy of laws that in turn prioritizes the application of international treaties over national law (ordinary law, decrees of all kinds, decisions, and circulars) in case of conflict. Any use of purposes for which the Right to Peaceful Assembly may be restricted, such as

²⁹ General Comment No. 37/2020, paras. 36 to 41.

³⁰Report of the United Nations International Law Commission on its 65th session, Chapter IV: Subsequent agreements and practices in relation to the interpretation of treaties. Available in English at: <https://legal.un.org/ilc/reports/2013/english/chp4.pdf>

The jurisprudence of the International Court of Justice recognizes the nature of this rule in the interpretation of treaties as an international custom, such as its arbitration decision dated 31/7/1989; Guinea vs Senegal. In addition to the stability of the practice of states within the framework of international law on this matter: Dr. Karl Zimaneck, Deputy Head of the Austrian Delegation to the United Nations Conference on the Law of Treaties. Available at: <https://legal.un.org/ilc/reports/2013/english/chp4.pdf>

national security, public safety or order, the protection of public health or morals, or the protection of the rights and freedoms of others, must be consistent with the international standard that does not conflict with the object and purpose of the ICCPR. This was the case with international jurisprudence in this field as well. In one of its rulings on Lithuania's violation of the Right to Peaceful Assembly, the European Court of Human Rights (ECtHR) confirmed that the exceptions that states can impose to the exercise of the Right to Peaceful Assembly are based on Article 11 of the European Convention on Human Rights – corresponding to the Article 21 of the Covenant - which specifies that these exceptions must be “established by law” not implying any exceptions foreseen in national law. This expression, according to the court, “means not only exceptions which have a legal basis in the national law, but also refers to the quality of the relevant law, which should be accessible to the person concerned and foreseeable in terms of its effects.”³¹

Returning to the triple test, the United Nations Human Rights Committee, which monitors the compliance of states parties to the ICCPR, sets the adopted criteria to measure states' compliance with the provisions of the Covenant.

According to General Comment No. 37/2020 on the Right to Peaceful Assembly provided for in Article 21 of the Covenant, in “Fourth” of the comment, the Committee specifies that the justification for any restriction on the Right to Peaceful Assembly is the responsibility of the state and its competent authorities. With regard to the condition that the measure/restriction must be in accordance with the law, the Commission notes that imposing the restriction by an administrative decision must be based on law sufficiently precise to allow individuals to decide how to regulate their behavior and that the decision must not contain any vague or overbroad conditions, provided that the administration has no absolute power in its assessment of the measure taken so that it must adhere to specific international standards in its imposition of the restriction.

As for the measure being necessary and proportionate in a democratic society, it means that this restriction/measure is logical or normal within a society that respects the rule of law, political pluralism, and human rights instead of just being a reasonable or appropriate action; provided that it is essential to protect the objectives set out in Article 21 of the Covenant. As for proportionality, what is meant is the balance between the nature of the intervention and its harmful effect on the exercise of the right, on the one hand, and the benefit resulting from the protected objective compelling the intervention, on the other hand. If the damage on the exercise of the right is greater than the benefit for the protected objective, the restriction or measure is considered disproportionate and violates the state's obligation to Article 21 of the Covenant.

In an example, the consistent jurisprudence of the ECtHR applies in this direction, as the Court, in its judgment mentioned above, applied the triple test. In detailing this ruling, a

³¹ Judgment of “Kudrevičius and Others. v. Lithuania” – European Court of Human Rights. November 15, 2015. p. 27, paragraph 108. Available in English at: <https://hudoc.echr.coe.int/eng#%7B%22tabview%22%3A%22document%22%2C%22itemid%22-22001%22%3A%22%22%22%7D>

group of farmers had blocked one of the highways in Lithuania to demand their rights after the government stalled securing their rights. They were prosecuted by the Lithuanian public prosecutor for obstructing the Right to Freedom of Movement of others before the national court, which imposed penalties on farmers, who later resorted to the ECtHR to sue the Lithuanian State for violating their Right to Peaceful Assembly knowing that blocking roads is one of the tools to exercise this right. The ECtHR applied the triple test and held that, in comparing the Right to Peaceful Assembly and the right to movement, the former is given priority over the latter if the criteria of necessity and the principle of proportionality so require, within certain criteria as leaving an open space for emergencies such as ambulances and transporting essential food throughout the country, for example.

As for the protected objectives specified in Article 21; national security, public safety, public order, protection of public health and morals, and protection of the rights and lives of others, the HRC states that despite the need for a state to protect its national security such as protecting its survival, territorial integrity, or political independence from the use or credible threat of force, however, assemblies that are "peaceful" by their nature will not reach that level of threat to the integrity of the state and thus to "national security". Restricting or repressing human rights to justify further restrictions is not possible under the Covenant, especially when the repression is a cause of the regression of national security.

In order to consider the protection of "public safety" as a credible justification for the restriction, the state must prove the threat of a particular gathering and its great danger to the lives and security of individuals, or that the danger is embodied in causing serious property damage. What is usually meant by serious damage in administrative jurisprudence is that the damage is of a greater degree of severity than normal damage; i.e. if some property damage occurs, this does not constitute a legitimate reason for restricting the gathering, but the damage must rather be serious.

According to the General Comment, the term 'public order' has always meant the set of rules that constitute the principles and values upon which a society is based. However, in any democratic society, human rights and human dignity, including the Right to Peaceful Assembly, are among the fundamental principles and values upon which society is based. Thus, ensuring the exercise of the Right to Peaceful Assembly is a matter of public order and not a violation of it.

The HRC also explains what is meant by "protection of public health" as the ability to impose exceptional restrictions on the exercise of the Right to Peaceful Assembly including but not limited to, when a disease or epidemic breaks out and peaceful assemblies pose a serious health danger to the public and assembly participants at the same time.

As for the term "protection of public morals," according to the Committee's opinion, it can only be used in exceptional cases, provided that it is not based on a single social, philosophical, or religious tradition, within the framework of the universal concept of human rights, pluralism, and non-discrimination.

Regarding the expression “protection of the rights and freedoms of others,” the Committee considers that the exercise of the Right to Peaceful Assembly may interfere with the exercise of other rights guaranteed by the Covenant for individuals and/or groups not participating in the assembly in question. Here the principle of proportionality must be applied and it must be ensured that the Right to Peaceful Assembly does not impose a disproportionate burden on the exercise of other rights. If necessity and proportionality impose a preference for the exercise of the Right to Peaceful Assembly over the other right, the state and its agencies must ensure the exercise of the Right to Peaceful Assembly, while striving to reduce, as much as possible, the burden on the other right.

In any event, no restriction or measure imposed by the state on the exercise of the Right to Peaceful Assembly shall be related to the content of the demands or the purpose of the peaceful assembly; such as the raised protests slogans. The Committee considered that any violation nullifies the purpose of the Right to Peaceful Assembly, which constitutes a tool for political and social participation, and thus undermines one of the purposes of the Covenant itself, which is prohibited by international norms, especially what is stated in Article 31 of the VCLT regarding the inadmissibility of interpreting one of the provisions of a treaty in contradiction with its object and purpose.

As for the the slogans used while exercising the Right to Peaceful Assembly, the provisions relating to the Right to Freedom of Opinion and Expression are applied in accordance with Article 19 of the ICCPR, which requires another research paper. However, the HRC specified in its General Comment that expressing political opposition to a government, or protesting against the authority, and calling for democratic change, whether in the government, the constitution, or the political system, as well as exercising the right of self-determination, or hurting the reputation and honor of officials or government agencies are among the tools guaranteed under the Right to Freedom of Opinion and Expression, and no restrictions should be placed based on them.

The HRC considered that when exercising the Right to Peaceful Assembly in a gathering, flags, uniforms, and banners are considered legitimate forms of expression that should not be restricted, unless these symbols incite discrimination, hostility, or violence. The HRC also considered that restrictions cannot be imposed on the basis that the assembly causes or may result in a hostile reaction from individuals and groups other than those participating in the assembly. Rather, the state and its agencies must work to ensure the safety of the assembly. In the event that the state is unable to do so, it may restrict the assembly after proving its inability to control the assembly and its opponents through a serious risk assessment. The restriction, in this case, means that the assembly is postponed or moved to another place, and the prohibition of the assembly can only be used as a last resort.

As the HRC explained, originally, individuals and groups have the right to assemble at the place and time they deem appropriate, however, the state and its agencies can impose restrictions, after justifying each case separately.

International Covenant on Civil and Political Rights (ICCPR)

The notification regime means informing the relevant authorities of organizing any peaceful assembly. The purpose of this notification is not to restrict the exercise of the Right to Peaceful Assembly, but on the contrary, to protect it. The HRC specifies that the notification regime should not be adopted as an end in itself whereas it can be abused to curtail the Right to Peaceful Assembly. The HRC also requires that notification procedures should be transparent without the adoption of unjustified bureaucratic procedures.

The HRC also specifies that assemblies that take place without notifying the relevant authorities, are not illegal and are not in any way a pretext to disperse the assembly or arrest its organizers or participants, especially in spontaneous assemblies that result from protesting government decisions, and in any case, if the absence of notice requires an administrative penalty, the competent authority must justify the penalty.

Duties and Jurisdiction of Law Enforcement Agencies (Military and Security Agencies)

Security forces are primarily responsible for protecting the Right to Peaceful Assembly, and they can only be supported by military forces in exceptional cases. However, in any case, this power cannot be understood as a license to the security forces to use force, since their primary duty is to protect the assembly and to ensure that it is conducted in a manner consistent with the nature of the right.

The HRC considers that, under Article 21 of the ICCPR, members of the security forces should always be trained on how to deal with the Right to Peaceful Assembly within international human rights standards, and held accountable for every violation they commit. In cases, when they are obliged to oppress a person or group of persons for committing violence, they have to deal exclusively with those specific individuals, and not with the assembly as a whole. Law enforcement personnel must also be trained on how to use less-lethal weapons; noting that this use must be limited to specific cases within the gathering, not against the entire assembly, and must be proportional to the legitimate objective they are protecting, such as preventing a crime. In any case, shooting the legs is illegal and cannot be used. The use of force cannot be indiscriminate, excessive, or discriminatory against specific participants. Law enforcement should also be trained on how to deal with policing in gatherings in which vulnerable groups participate.

It is not permissible to detain specific participants for more than a few hours, otherwise, it is considered provisional detention, which contradicts the nature of the exercise of the Right to Peaceful Assembly. In addition, mass arbitrary detention before, during, or after the assembly is an illegal arbitrary practice. As for the encirclement method, it may only be used in cases of extreme necessity, provided that its use is necessary and proportionate to address actual violence or an imminent threat from the specified group of participants. The method of encircling within the gathering can be replaced by encircling the individuals concerned directly without affecting the rest of the gathering which is a violation of the

Right to Peaceful Assembly, as well as other rights such as the right not to be subjected to arbitrary detention and the right to freedom of movement.

The HRC also considers that even when required, the minimum necessary force should be used, while emphasizing that it must be directed against the individual or group of individuals that are the source of violence, without extending that to the entire assembly. With regard to tear gas and water cannons, the concerned official authorities must make a reasonable effort to reduce the risks and harm that may result from the use of these means of stampede and harm to pedestrians.. Also, it is not permissible to utilize these weapons and methods except as a last resort, after giving a verbal warning and a period of time for the nearby participants of those who carry out acts of violence to step away from them, and in any case, tear gas cannot be used in closed places.

As for firearms, the rule is that they are forbidden except under very narrow limits, such as when there is an imminent danger of death or serious injuries. The bullets used must be rubber-coated metal bullets, while the indiscriminate shooting or automatic use of firearms is strictly prohibited. Relevant authorities should also provide medical facilities close to any intervention.

Each time force is used, it should be documented and published in a transparent report, and in the event of injuries and/or damage, the necessity and proportionality of the use of force should be indicated by providing details of the incident, including the reasons behind the use of force and the effectiveness of the consequences to help in achieving accountability. It is also impermissible to deploy security officers or personnel wearing civilian clothes during the assembly, except in cases of extreme necessity.

The use of recording devices such as cameras during gatherings helps in greater accountability, especially if the cameras are placed on the bodies of law enforcement personnel. However, this requires the existence of guidelines on how to use these devices in line with the requirements of protecting the Right to Privacy of individuals.

Finally, the HRC considers that there can be a coordination between law enforcement personnel and the organizers of an assembly, before and during an assembly, to mitigate the risks of violence and to ensure its smooth course, nonetheless, the organizers cannot be forced or obliged to do so, although, the HRC considers that this method is one of the best practices in this field.

National law

In light of what is presented in the previous sections of this paper, especially the general constitutional principles that guarantee the Right to Peaceful Assembly and the international obligations of the Lebanese government, which place on all the government's authorities, multiple obligations in terms of guaranteeing and managing the exercise of this right, the national legal framework governing the Right to Peaceful Assembly and its compatibility with these principles and obligations will be presented in this section.

Legislative Decree No. 112/1959; Public Employees Regime

Article 15 - amended in 1992³²- of Legislative Decree No. 112/1959; Public Employees Regime, specifies prohibited actions that public employees are prohibited from performing stating that “***The employee is prohibited from performing any work forbidden by laws and regulations in force, especially: ... 3. Strike or incite others to do so***”.

It is well established that the right to protest or assembly is one of the tools that can be used during a strike. In addition, we had previously shown that the Right to Peaceful Assembly is a basic human right and therefore, should be enjoyed by all individuals, except that, according to Article 15 (3) of the above legislative decree, the Lebanese legislator has violated the Right to Peaceful Assembly with regard to public employees, as it considered that the latter do not have the right to strike by demonstrating in a clear violation of the constitutional principles and the international obligations of the Lebanese state. Noting that when the legislative decree was adopted in Lebanon, the Lebanese Constitution had no preamble, as it was included during the constitutional amendment of 1990. In spite of this, Lebanon participated in creating the Universal Declaration of Human Rights and signed it in the year 1948 and then ratified the ICCPR and the International Covenant on Economic, Social, and Cultural Rights, which guarantees the right to strike in Article 8, in 1972. However, the legislator did not reconsider the decree until 1992, and even then, maintained the violation of the right of public sector employees to strike through peaceful assembly. This came, in contrast to the French legislator that emphasized the right of public sector employees to strike by adopting Law No. 634-83 in 1983³³.

Lebanese Labour Law

The Lebanese Labour Law³⁴ does not violate the right of workers to peaceful assembly, and it recognizes their right to join unions according to their profession in Article 90. Article 84 of the law restricts the participation of unions in a specific type of gatherings, as it stipulates in its second paragraph that “***All political activity is prohibited to unions and associations, including participations in meetings or demonstrations of a political nature***”.

It is understood from the text of the above-mentioned article that unions and associations, as legal persons that constitute a gathering of workers within a profession, are not entitled to exercise the right to gather for political purposes. This raises the following question: What if a country witnessed a widespread popular uprising that included all segments of

³² Legislative Decree No. 112/1959; Public Employees Regime. Lebanese University. Available at: <http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=179571>

³³ The right to strike in the public sector - France. European Public Service Union. October 2018. Available at: <https://www.epsu.org/sites/default/files/article/files/France%20-%20Right%20to%20strike%20in%20public%20sector.pdf>

³⁴ The Lebanese Labor Law issued on September 23, 1946. The Lebanese Ministry of Labor. Available at: <https://www.labor.gov.lb/Temp/Files/574b61dd-1233-4507-9da1-d4a3e3a6129a.pdf>

society, would the unions/associations remain uninvolved in this uprising? What about those affiliated with these unions and the exercise of their right to assemble, whether in the context of a broad popular uprising that includes all segments of society, or exercising their Right to Peaceful Assembly for any reason?

Answering the first question, the Lebanese Labor Law limits the purpose of the unions/associations in the first paragraph of Article 84 in matters that “*protect and encourage the profession, raise its standards, defend its interests, and favor its progress economically, industrially, and commercially*”. This is consistent with the definition of the Freedom of Association and Protection of the Right to Organize Convention³⁵ of the International Labor Organization (ILO) in its Article 10, which states “*In this Convention, the term “organization” means any organization of workers or employers for promoting and defending the interests of workers or of employers*”.

The purpose of the existence of unions/associations, then, is to develop and enhance professions and defend the interests of the workers. In this context, isn't it in the interest of workers under union/associations-affiliated professions to have a political system that respects rights and public freedoms and secures the basic rights of the citizens and residents? How can the unions representing the country's workforce that are affected by almost all government policies remain passive in the political developments of a country?

Hence, limiting the competence of unions to developing professions and defending the interests of the workers does not mean that these unions should not participate in any political gathering when in need, especially when the policies are directly related to the interests of the workforce.

As for the second question, if preventing unions/associations from participating in political gatherings violates the Right to Peaceful Assembly, what about the prevention of workers who are initially citizens and individuals? The provision in the second paragraph of Article 84 should not be understood in any case as preventing workers from exercising their right to gatherings of political nature. They can, in all cases, exercise this right as individuals/citizens who naturally, enjoy the Right to Peaceful Assembly.

Lebanese Penal Law

The Lebanese Penal Law issued through Legislative Decree No. 340 on March 1, 1943, and its amendments³⁶ addresses several rights and freedoms in its provisions. In "Book One – Section Two - Crimes Against Public Safety, Chapter Four - Crimes of violation and infringement of the freedom of work, And Chapter Five - Crimes of Riot Demonstrations and Gatherings", and "Book Two - Section Twelve - Violations, Chapter One “Protection

³⁵ Freedom of Association and Protection of the Right to Organize Convention, 1948, International Labour Organization. Available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232

³⁶ Legislative Decree No. 340 dated March 1, 1943; Lebanese Penal Law. MENA Rights. Available in Arabic at: https://menarights.org/sites/default/files/2016-12/LBN_PenalCode1943_AR.pdf

of public roads and inhabited places”, the law imposes several restrictions on the Right to Peaceful Assembly, which will be presented in this section.

Article 340 stipulates that “Employees affiliated with the government under a public contract are subject to deprivation of civil rights if they collectively agree to stop their work, or to resign, in cases where the functioning of one of the public interests is hampered”. This penalty violates the right of public sector workers to strike, which was previously presented, and concluded that the right to strike through the exercise of the Right to Peaceful Assembly should be guaranteed, not absolutely prohibited.

Article 341 of the Penal Law stipulates that “*If one of the employers, project heads, employees, or workers stops working, either with the intention of putting pressure on the public authorities or in protest against an issued decision or measure, each of the criminals shall be punished by imprisonment or house arrest for at least three months*”. This is also related to the right to strike, which can also be through the exercise of the Right to Peaceful Assembly, and the absolute limitation of the right to strike is a violation of the Right to Peaceful Assembly.

As for 342 - amended - of the law, it states that:

"Any violation shall be punished with imprisonment and a fine if committed by more than twenty people and followed by the attempt or initiation of execution with the intent to stop:

- 1- Means of transportation between all parts of Lebanon or between it and other countries.*
- 2- Postal, telegraph, and telephone communications.*
- 3- A public utility specialized in distributing water or electricity.*

The same punishment shall be imposed on the contractor for one of the aforementioned utilities if it stops working without a legitimate reason.

If the offense is associated with acts of violence against persons or things, or by threatening or by other means of intimidation, fraud, or false allegations that may have psychological effects, or by gathering in public roads and squares, or by occupying workplaces, the perpetrators of these acts shall be punished by prison for at least six months”.

As previously referred to the General Comment of the HRC and the ruling of ECtHR, which held that in a trade-off between the Right to Peaceful Assembly and the Right to Freedom of Movement, the former must be given priority over the latter, if necessary, within the scope of the principle of proportionality. Therefore, the absolute prohibition of exercising the Right to Peaceful Assembly stipulated in this article contradicts the international standard in which the Lebanese state is committed to guaranteeing the Right to Peaceful Assembly. Courts must assess whether or not traffic obstruction in the exercise of the Right to Peaceful Assembly is proportional and necessary to the circumstances surrounding the demands of the assembly, and not just decide a punishment simply because those who exercise their right to assemble have blocked a road that led to the suspension of transportation and communications.

As for the second paragraph of this article that penalizes the use of acts of violence, it complies with the international standard that removes acts of violence from the guarantee granted to the Right to Peaceful Assembly, according to the HRC General Comment No. 37/2020.

Article 345 of the Penal Law states that: *“Whoever is in a meeting that does not have the character of a private meeting based on its purpose, objective, number of participants, members, place, or if it is in a public place or a place open to the public, or exposed to public view, then loudly shouts riotous chants or, displays a sign that may disturb public security, or engages in any other riotous demonstration, is punishable by prison whose term ranges from one month to one year and a fine of twenty thousand to two hundred thousand pounds”*.

The provisions under this article contains numerous phrases that can be interpreted in more than a way, which may be used by public authorities or law enforcement agencies to interfere and restrict the Right to Peaceful Assembly, such as “riotous chants” and “a sign that may disturb public security”. Here, it must be emphasized, as previously provided, that the Lebanese government and its agencies are bound by the Lebanese Constitution, the UDHR, the ICCPR, and the international custom not to apply and interpret international treaties in a manner that contradicts with their object and purpose. Consequently, public authorities, including courts and law enforcement agencies, must interpret the terms contained in Article 345 precisely and the Penal Law as a whole³⁷, in line with the UDHR and the ICCPR. The HRC General Comment No.37/2020 can be followed as a guideline for these entities in this regard so that Article 345 of the Penal Law will not be used as a tool for the abuse of power and the violation of the right of Lebanese citizens and other residents to peaceful assembly.

Article 346 of the Penal Law states that *“Every crowd or procession on public roads or in a place open to the public is considered a rioting gathering and is punishable by imprisonment from one month to one year if:*

- *It consists of three or more persons with the intent of committing a felony or misdemeanor and at least one of them is armed.*

³⁷ See in this direction the decision of the Individual Judge in Beirut No. 1410/2017 - Public Prosecution v. Thebian and Nassereddine. In detailing this decision, the defendants had written some writings against the Lebanese government during their participation in one of the demonstrations on the wall of the Lebanese Ministry of Interior and Municipalities painted with the Lebanese flag. The Public Prosecution considered that these writings constitute an insult to the Lebanese flag under Article 384 of the Lebanese Penal Law, which criminalizes this act and punishes it with imprisonment from six months to two years. However, the court considered that this act was not an insult to the Lebanese flag, but rather an exercise of the Right to Freedom of Opinion and Expression stipulated in Article 13 of the Lebanese Constitution. The judgment and its summary are published on the platform of the "Global Freedom of Expression" project by Columbia University - United States of America. Available at: <https://globalfreedomofexpression.columbia.edu/cases/thebian-and-nassereddine-v-public-prosecutor/?lang=ar>

- *It consists of at least seven people with the intention of protesting against a decision or measure taken by the public authorities with the intention of putting pressure on them.*
- *If the number of people exceeds twenty and they appear in a way that disturbs the general tranquility”.*

The first restriction in this article criminalizing assembly with the intent to commit a felony or misdemeanor, and that one of the participants is armed is consistent with the international standard for the Right to Peaceful Assembly. As for the second restriction with the intent of protesting against a decision or measure of public authorities, it contradicts the international standard of the Right to Peaceful Assembly, as the state’s intervention in this regard must only be related to the protection of the exercise the Right to Peaceful Assembly and not its restriction, as the state’s actions must refrain from intervening in the cause or subject of the assembly; especially that protesting against the decisions or policies of public authorities, is also protected under the Right to Freedom of Opinion and Expression. In any case, the presence of rioters within a gathering does not give law enforcement agencies the jurisdiction to completely disperse the gathering, but rather, they must deal only with the rioters.

As for the third restriction, it is also previously presented more than once throughout this paper that vague terms such as “public tranquility” and “public order”, etc., are not means for public authorities to use for restricting the exercise of the Right to Peaceful Assembly.

In addition, Article 347 of the Penal Law stipulates that *“If people gather in this manner [mentioned in Article 346], a representative of the administrative authority or an officer of law enforcement warns them to disperse, and announce their arrival by sounding the drums, blowing the horn, whistle, or any other similar method.*

Those who leave before the authority’s warning or immediately respond without using their weapons or committing any other misdemeanor shall be exempted from the aforementioned penalty”.

It must be emphasized, as stated in the HRC General Comment No. 37/2020, that the dispersal of gatherings should be the last measure taken by public authorities, specifically law enforcement agencies. They should try before that to deal with rioters only, and the presence of some rioters within a group, as previously mentioned, does not give jurisdiction to law enforcement agencies to completely disperse the gathering, but rather they have to protect the gathering from rioters.

Article 751 of the Penal Law stipulates in its second and fifth paragraphs that *“A person shall be punished by imprisonment of up to six months with a fine of one hundred thousand to one million Lebanese pounds, or one of these two penalties:...2. Whoever blocks the public road **unnecessarily** and without permission from the authority by placing or leaving on anything that obstructs or restricts the freedom and safety of movement... 5. Whoever throws or places dirt or rubbish or any other thing on the public road”.*

Although this article is not directed at those exercising their Right to Peaceful Assembly, it can be used by public authorities, prosecutors, and law enforcement agencies to restrict the exercise of the Right to Peaceful Assembly. The second paragraph of the article should not be understood as permission to disperse a gathering that led to the obstruction of traffic; The term “unnecessarily” here allows the application of the standards of necessity and proportionality based on Article 21 of the ICCPR, since, as repeatedly presented, roadblocks can be used as a tool to exercise the Right to Peaceful Assembly if it is necessary and proportional to the nature of the movement of those exercising their right. This also applies to the fifth paragraph of this article if what is on the side of the highway is used to close it within the framework of exercising the Right to Peaceful Assembly.

Decision of the Minister of Interior and Municipalities No. 1024 dated March 29, 2006; Determining the mechanism of notification to demonstration, assembly, and sit-in

The decision of the Minister of Interior and Municipalities, No. 1024 dated March 29, 2006³⁸, determines the mechanism for notifying the Ministry of Interior and Municipalities of any gathering on Lebanese territory, and it is considered an implementation of the notification regime that was previously presented in this paper. Article 1 of the decision stipulates that *“The notification of a demonstration, an assembly, or a sit-in shall be submitted to the competent governor at least three days prior to the date of the demonstration, this notification shall include the following:*

1. *The reason for calling for the demonstration, the name and capacity of the entity calling for the demonstration, and **the main slogans that will be used.***
2. *The names of the organizers of the demonstration, **who must be Lebanese**, and should not be less than three, in addition to specifying their place of residence.*
3. *The approximate number of participants in the demonstration, its start and end time.*
4. *The place or places where the demonstrators gather to set off.*
5. *The proposed itinerary of the demonstration along with the names of the streets it will take and the places where it will stop to deliver speeches.*
6. *Dispersal place of the demonstration.*
7. ***Submission of a pledge to bear full responsibility for any damage that the demonstration may cause to others and private and public property, signed by the applicants”.***

Looking into this article, some of the information required is purely for procedural purposes that can help public authorities prepare logistically to keep pace with the gathering and protect it. However, some other provisions of this article undermine the

³⁸ Decision of the Minister of Interior and Municipalities, No. 1024 dated March 29, 2006. Lebanese University. Available in Arabic at: <http://www.legiliban.ul.edu.lb/LawView.aspx?opt=view&LawID=213450>

origins of the Right to Peaceful Assembly in a way that violates the constitutional guarantee and the international obligations of the Lebanese government in this field.

Knowing that it must be emphasized that this decision is to organize the notification mechanism and not to license/permit a demonstration, this is based on the first sentence of this article which provides that “*the notification of a demonstration, a gathering, or a sit-in shall be submitted to the competent governor...*”. Thus, among the principles that governs the notification mechanism in administrative jurisprudence, once the notification are submitted to the governor, the organizers can proceed in organizing their demonstration, while emphasizing that, in accordance with the HRC General Comment No. 37/2020, not submitting the notification to the competent authorities does not give these authorities the right to consider the gathering illegal or to disperse it.

Despite this, the Lebanese Ministry of Interior and Municipalities violates the Minister’s decision issued in 2006 and considers that submitting papers under Article 1 mentioned above is an application for licensing and/or obtaining a permit for a demonstration, which is considered not only a violation of a valid administrative decision of the former Minister of Interior and Municipalities, but also of the Lebanese Constitution and the international obligations of the Lebanese state; in 2017, the Ministry of Interior and Municipalities, through its media office, issued a statement in which it considered that “it is prohibited to demonstrate outside the legal mechanism” and without obtaining “permission to demonstrate”³⁹, which suggests that the Ministry of Interior and Municipalities considers being informed by the organizers of the gathering as a request for a permit to gather, unlike what was explicitly stated in the first sentence of Article 1 of Decision No. 1024/2006.

As for the first paragraph of Article 1 of Decision 1024/2006, it requires the organizers of the demonstration to specify the main slogans that will be used at the declared demonstration, which is a clear violation of international standards in this field, especially the HRC General Comment No. 37/2020, which specifies that the government cannot interfere with the content of the exercise of the Right to Peaceful Assembly, otherwise this is considered a violation of the right. In addition, the slogans are considered an exercise of the Right to Freedom of Opinion and Expression, for which the international standard defines a very narrow scope of exceptions that do not allow public authorities to interfere with what is expressed by individuals unless it involves incitement to violence, hostility, or discrimination.

As for the second paragraph of this article, which requires applicants to be Lebanese, also violates the constitutional guarantee and international standards related to the Right to Peaceful Assembly, as this right is one of the basic human rights enjoyed by all individuals with no regard to their nationalities. All residents have the right to hold demonstrations for purposes related to their interests and rights, even if they are not citizens of the country of residence; as long as they do not participate in or organize political gatherings, which may

³⁹ Ministry of Interior and Municipalities: Protesting outside the legal mechanism is prohibited. Ministry of Interior and Municipalities. November 11, 2017. Available in Arabic at: <http://www.interior.gov.lb/DetailsNews.aspx?idn=1033>

be considered an interference in the internal affairs of the country and an infringement of sovereignty.

The seventh paragraph of the article, obliges the organizers of an assembly to assume full responsibility for any damage that may result from the assembly; this is also a violation of the Right to Peaceful Assembly since in demonstrations, normally, it is not possible to expect the behavior of all individuals participating, and therefore, this is a restriction on the right, as the individuals will think more than once before organizing any assembly with such a responsibility, especially in countries experiencing social unrest that may lead to violence which may, in turn, cause damage to people and public and private property. On the contrary, the mission of law enforcement agencies is to ensure that no harm occurs, and according to international standards, if an individual or a group commits acts of violence within a demonstration, these agencies must deal with the source of the harm/violence without harming other peaceful participants.

Article 2 of the decision states that *“The governor may, for security reasons, modify or change the place of the gathering, the start point of the demonstration, the streets it will take, and its duration”*. Here, it must be emphasized that the main guiding factor for such a decision issued by the concerned governor must be to protect and ensure the exercise of the Right to Peaceful Assembly.

Article 3 of the decision states that *“A liaison committee between the demonstrators and the law enforcement on the ground shall be named, consisting of:*

- *At least three of the demonstrators named by the organizers of the demonstration.*
- *The commander of the security forces on the ground.*

The task of this committee is to coordinate to prevent any security disruption during the demonstration or any riots that might occur”.

Noting that it is not permissible to compel organizers/demonstrators to form this committee, however, forming it is preferable to prevent acts of violence, provided that the protection and ensuring the exercise of the Right to Peaceful Assembly is the primary objective of the committee, and not a means for law enforcement to undermine the exercise of the right.

These are the legal provisions that govern the exercise of the Right to Peaceful Assembly in Lebanon, whose application must always be aimed at protecting and ensuring the exercise of the right, not to be used by public authorities to restrict it and violate constitutional guarantees and the international obligations of the Lebanese state.

Conclusion

The importance of the Right to Peaceful Assembly within the Lebanese context was presented generally in this paper. During the past years, Lebanon witnessed many demonstrations and political gatherings demanding basic human rights, as a result of the economic collapse and the deterioration of social conditions, not to mention the worn-out public administration and the quality of services provided by the government, if existent;

such as infrastructure, health, education...etc., which is partly the result of corruption in the public and private sectors and neglect.

The stressful conditions that the Lebanese citizens are going through, force them to revolt against their reality and push towards a future of stability that will help them achieve their vision in an economically and socially prosperous society, on the cusp of the parliamentary elections that enable them to choose their representatives, and to form an authority that represents them and their aspirations to stop the economic and financial collapse and achieve the desired recovery. In addition, the non-Lebanese residents also enjoy this right to ensure that they are able to raise their voices in case their rights are violated or they are subject to any injustice.

Ensuring the exercise of the Right to Peaceful Assembly in Lebanon is a prerequisite for the ability to push for reform in various fields within the public life. Even after the election of a new legislative authority, this does not mean that this authority will do everything that Lebanese citizens aspire to, and that the executive authority that will be formed will not necessarily comply with the Lebanese society's expectations. Therefore, the Right to Peaceful Assembly must be guaranteed so that these people can raise their voice, whenever needed, to the authorities and official bodies concerned with achieving the aspirations and goals of Lebanese society as well as protecting the rights of non-Lebanese as well.

Recommendations

In light of what was presented in this paper, the following recommendations to the competent authorities are provided to ensure the exercise of the Right to Peaceful Assembly in Lebanon in line with the constitutional principles and Lebanon's international obligations, through harmonizing the relevant legal framework with these standards, per stakeholder that is competent to adopt the recommendations.

Lebanese Parliament

Legislative Decree No. 112/1959; Public Employees Regime:

- Abolishing Paragraph 3 of Article 15 - Amended in 1992 -:

“The employee is prohibited from performing any work forbidden by laws and regulations in force, especially: ... ~~3. Strike or incite others to do so~~”.

Labor Law issued on September 23, 1946:

- Abolishing paragraph 2 of Article 84:

“Unions/Associations are intended to protect and encourage the profession, raise its standards, defend its interests, and favor its progress economically, industrially, and commercially.

All political activity is prohibited to unions and associations, including participations in meetings or demonstrations of a political nature”.

Legislative Decree No. 340 dated March 1, 1943; Penal Law:

- Abolishing Article 340:

~~“Employees affiliated with the government under a public contract are subject to deprivation of civil rights if they collectively agree to stop their work, or to resign, in cases where the functioning of one of the public interests is hampered”.~~

- Amending Article 341 to become as follows:

*“If one of the employers, project heads, employees, or workers stops working, either with the intention of putting pressure on the public authorities or in protest against an issued decision or measure, each of the criminals shall be punished by imprisonment or house arrest for at least three months **unless the criteria of necessity and proportionality allow such acts, which falls to the discretion of the competent court**”.*

- Amending Article 342 - amended - to become as follows:

"Any violation shall be punished with imprisonment and a fine if committed by more than twenty people and followed by the attempt or initiation of execution with the intent to stop:

1- Means of transportation between all parts of Lebanon or between it and other countries.

2- Postal, telegraph, and telephone communications.

3- A public utility specialized in distributing water or electricity.

*The same punishment shall be imposed on the contractor for one of the aforementioned utilities if it stops working without a legitimate reason. **The penalty shall be waived in all the previous cases if the criteria of necessity and proportionality allow these acts, the assessment of which reverts to the competent court.***

If the offense is associated with acts of violence against persons or things, or by threatening or by other means of intimidation, fraud, or false allegations that may have psychological effects, or by gathering in public roads and squares, or by occupying workplaces, the perpetrators of these acts shall be punished by prison for at least six months”.

- Abolishing Paragraphs 2 and 3 of Article 346:

“Every crowd or procession on public roads or in a place open to the public is considered a rioting gathering and is punishable by imprisonment from one month to one year if:

1. It consists of three or more persons with the intent of committing a felony or misdemeanor and at least one of them is armed.

~~*2. It consists of at least seven people with the intention of protesting against a decision or measure taken by the public authorities with the intention of putting pressure on them.*~~

~~*3. If the number of people exceeds twenty and they appear in a way that disturbs the general tranquility”.*~~

- Amending paragraphs 2 and 5 of Article 751 to become as follows:

“A person shall be punished by imprisonment of up to six months with a fine of one hundred thousand to one million Lebanese pounds, or one of these two penalties:

...

*2. Whoever blocks the public road unnecessarily and without permission from the authority by placing or leaving on anything that obstructs or restricts the freedom and safety of movement, **unless the criteria of necessity and proportionality allow such acts, which falls to the discretion of the competent court***

...

*5. Whoever throws or places dirt or rubbish or any other thing on the public road, months **unless the criteria of necessity and proportionality allow such acts, which falls to the discretion of the competent court**”.*

Ministry of Interior and Municipalities

Decision No. 1024 dated March 29, 2006:

- Amending Article 1 to read as follows:

*“The notification of a demonstration, an assembly, or a sit-in shall be submitted to the competent governor at least three days prior to the date of the demonstration. **The demonstration is considered legal once the notification is submitted to the governor’s registrar who cannot refuse it and must provide the applicants with proof of receiving the application, the notification shall should include the following:***

- 1. The reason for calling for the demonstration, the name and capacity of the entity calling for the demonstration, and **the main slogans that will be used.***
- 2. The names of the organizers of the demonstration, ~~who must be Lebanese~~, and should not be less than three, in addition to specifying their place of residence.*
- 3. The approximate number of participants in the demonstration, its start and end time.*
- 4. The place or places where the demonstrators gather to set off.*
- 5. The proposed itinerary of the demonstration along with the names of the streets it will take and the places where it will stop to deliver speeches.*
- 6. Dispersal place of the demonstration.*
- 7. ~~Submission of a pledge to bear full responsibility for any damage that the demonstration may cause to others and private and public property, signed by the applicants~~”.*

Amending Article 2 to become as follows

*“The governor may, for security reasons, modify or change the place of the gathering, the start point of the demonstration, the streets it will take, and its duration, **while taking into***

consideration the criteria of necessity and proportionality to guarantee the Right to Peaceful Assembly”.

Amending Article 3 to become as follows:

“A liaison committee between the demonstrators and the law enforcement on the ground ~~shall~~ may be named, consisting of:

- At least three of the demonstrators named by the organizers of the demonstration.*
- The commander of the security forces on the ground.*

The task of this committee is to coordinate to prevent any security disruption during the demonstration or any riots that might occur”.

The Lebanese state including its ministries, courts (constitutional, juridical, and administrative), administrations, and law enforcement agencies

Adoption of General Comment No. 2020/37 of the United Nations Human Rights Committee as guiding principles governing its regulation of the Right to Peaceful Assembly.