



SMEX



Lebanese Republic

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Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC

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International Media Support (IMS)

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1. Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries.
- 1.2** The Gulf Centre for Human Rights (GCHR) is an independent CSO that works to provide support and protection to human rights defenders (HRDs), including independent journalists, bloggers and lawyers in the Gulf region and neighbouring countries, by promoting the freedoms of association, peaceful assembly and expression.
- 1.3** International Media Support (IMS) is a media development organisation in the Nordic region that is based in Denmark. It works in more than 30 countries across four continents including some countries in the MENA region promoting press freedom, good journalism and safety for journalists.
- 1.4** Social Media Exchange (SMEX) is a registered Lebanese CSO that works to advance self-regulating information societies in the Middle East and North Africa.
- 1.5** In this document, CIVICUS, GCHR, IMS and SMEX examine the Lebanese government's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we outline concerns related to the Lebanese government's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on HRDs since its previous UPR examination in November 2015.
- 1.6** During the 2nd UPR cycle, the Government of Lebanon received nine recommendations relating to the space for civil society (civic space). Of these recommendations, three were accepted and six were noted. However, an evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of Lebanon has partially implemented only one recommendation relating to civic space.
- 1.7** While the government has made significant strides in addressing torture by adopting law number 65, known as the anti-torture law, the law has not been operationalised. Moreover, the government has persistently failed to address fully the brutal and violent dispersal of peaceful protests, the arrest and prosecution of journalists and protesters and restrictions on the activities of CSOs advocating for women's and LGBTIQI+ rights.

1.8 We are deeply concerned by the legal and extra-legal restrictions on the freedom of association and, in particular, the systematic targeting of associations and activities by the LGBTQI+ community

1.9 We are further alarmed by the continued deterioration of the freedom of expression, as highlighted by the increase in judicial proceedings against media outlets critical of the authorities, threats to digital rights, raids and attacks by security forces and sometimes by members of the public on media outlets and the targeting of journalists for assault, intimidation, interrogation and arbitrary arrest in connection with their journalistic work.

1.10 As a result of these issues, civic space in Lebanon is currently classified as obstructed by the CIVICUS Monitor.¹

- Section 2 of this submission examines Lebanon’s implementation of UPR recommendations and compliance with international human rights standards relating to the protection of HRDs and civil society activists.
- Section 3 examines Lebanon’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and journalists and access to information.
- Section 4 examines Lebanon’s implementation of UPR recommendations and compliance with international human rights standards relating to the freedom of peaceful assembly.
- Section 5 examines Lebanon’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 6 makes recommendations to address the concerns listed.
- An annex lists the implementation of recommendations received by Lebanon during the 2nd UPR cycle that are referenced in this submission.

2. Harassment, intimidation and attacks against human rights defenders and civil society activists

2.1 Under Lebanon’s previous UPR examination, the government received two recommendations on the protection of HRDs, journalists and civil society representatives. Both recommendations were noted. The government noted a recommendation to initiate consultations involving representatives of CSOs and HRDs in order to adopt and implement a national system to prevent and fight against torture and all forms of ill-treatment. It also noted a recommendation to strengthen measures to ensure a safe environment for HRDs. As examined in this section, the

¹ CIVICUS Monitor: Lebanon, <https://monitor.civicus.org/country/lebanon>.

government has failed to operationalise these recommendations effectively. The government has partially implemented one of the noted recommendations through the adoption of the anti-torture law, but as this is yet to be operationalised, it falls short of fulfilling the recommendation.²

- 2.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure protection for HRDs. The International Covenant on Civil and Political Rights (ICCPR), to which Lebanon is a state party, further guarantees the freedoms of association, peaceful assembly and expression. However, in spite of these protections, Lebanese HRDs continue to work in a space characterised by threats and wide-ranging harassment, including physical attacks, reprisals and death threats for engaging in legitimate and peaceful advocacy, including as a result of calling for reform and holding the government to account for human rights violations.
- 2.3** The Lebanese government has taken formidable strides in improving the compliance of laws with human rights following campaigns by CSOs and activists. In August 2017, after sustained campaigning by feminists and women’s rights organisations, Lebanon finally abolished Article 522 of Lebanese Penal Code, also known as the ‘marry-your-rapist’ law, which had allowed kidnappers and rapists to escape punishment for their crimes by marrying their victims. The country must continue to confront the cultural practices that may take longer to change than the law.
- 2.4** Moreover, in April 2014, Lebanon passed a law that addresses domestic violence.³ However, a survey published in 2016 suggested that 31 per cent of women in Lebanon had experienced domestic violence, and the law does not protect women against marital rape.⁴
- 2.5** In September 2018, Lebanon’s parliament ratified the International Arms Trade Treaty aimed at regulating the international flow of arms to reduce the human suffering that it causes.
- 2.6** The anti-torture law, passed by parliament in September 2017, is Lebanon’s first such law criminalising torture. However, the new law remains ineffectual, with reports and

² Database of Recommendations, UPR Info, https://www.upr-info.org/database/index.php?limit=0&f_SUR=94&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly.

³ ‘Lebanon: Domestic Violence Law Good, but Incomplete’, Human Rights Watch, 23 April 2014, <https://www.hrw.org/news/2014/04/03/lebanon-domestic-violence-law-good-incomplete>.

⁴ ‘International Men and Gender Equality Survey: Lebanon Summary’, Promundo, <https://promundoglobal.org/resources/international-men-gender-equality-survey-lebanon-summary/?lang=english>.

testimonies revealing an ongoing practice of torture and other ill-treatment in detention centres.

- 2.7** Despite these welcome and progressive measures to protect human rights, people who seek to protect and promote rights have been subjected to harassment and persecution, particularly when they defend the rights of excluded groups and intersecting rights. The LGBTQI+ community and those advocating for their rights face discrimination and restrictions perpetuated by state institutions. According to one leading CSO, several security apparatuses continue to harass and abuse LGBTQI+ people and HRDs who advocate for their rights, especially in refugee and migrant communities. The authorities resort mostly to 534 of the Lebanese Penal Code but also to other laws in relation to ‘debauchery’, ‘prostitution’ and ‘disturbing the public order’.
- 2.8** In October 2018, the Lebanese General Security attempted to shut down a conference that hosted activists working on issues of gender and sexuality from the Middle East and North Africa, organised by the Arab Foundation for Freedom and Equality (AFE).⁵ After failing to make AFE’s executive director sign a pledge to cancel all conference activities, General Security officers ordered the hotel hosting the conference to shut it down and demanded the names of all participants. The General Security officers did not explain their concerns, but the action followed threats by a radical Islamist group, and some religious leaders issued threats against AFE, accusing it of promoting ‘perversion’ and ‘drug abuse’.⁶
- 2.9** On 26 May 2017, AFE was forced to postpone an eight-day workshop when the venue owners refused to host the meeting, citing concerns over the AFE’s affiliation with LGBTQI+ organisations.⁷ The venue, the Crowne Plaza Hotel in Beirut, eventually said that it had made this decision after receiving pressure from Lebanese authorities.
- 2.10** Hadi Damien, organiser of Gay Pride Week in Lebanon,⁸ was briefly detained on 14 May 2018 and interrogated for allegedly ‘encouraging debauchery’ and ‘offending public decency’.⁹ Damien was released the following day, after signing a pledge to call off the rest of the week’s events, following which the festival was suspended.

⁵ AFE website, <http://afemena.org>.

⁶ ‘Lebanese authorities halt a conference on gender rights’, Women Economic Empowerment Portal, 5 October 2018, <http://www.weeportal-lb.org/news/lebanese-authorities-halt-conference-gender-rights>.

⁷ ‘Lebanese authorities backslide on commitments to civic freedoms’, CIVICUS Monitor, 17 July 2017, CIVICUS, <https://monitor.civicus.org/updates/2017/07/17/lebanon-backsliding-commitments-civic-freedoms>.

⁸ ‘Statement About the Suspension of Beirut Pride Events’, Beirut Pride, 14 May 2018, <https://www.beirutpride.org/arrest2018-en>.

⁹ ‘Human rights defenders harassed and arbitrarily detained’, CIVICUS Monitor, 19 June 2018, <https://monitor.civicus.org/updates/2018/06/19/Human-Rights-Defenders-harassed-Arbitrarily-Detained>.

2.11 On 4 March 2019, HRD Ghassan Abdallah was summoned to present himself at the General Directorate of the Lebanese General Security.¹⁰ No reasons were provided to him regarding the summons. Abdallah is the founder and executive director of the Palestinian Human Rights Organisation and has been subjected to acts of intimidation, harassment and arbitrary detention in the past. On 14 May 2018, he was interrogated, detained for two days and denied access to a lawyer. This harassment was believed to have been motivated by his peaceful and legitimate activities in defence of human rights for Palestinians in Lebanon.¹¹ The interrogation followed Abdallah's attendance at an international meeting on human rights in Palestine and the rights of Palestinian refugees organised by EuroMed Rights in Paris, France on 27 and 28 April 2018.

2.12 On 10 December 2016, a prominent migrant rights worker and leading member of the unrecognised Domestic Workers' Union, Sujana Rana, was deported after being detained at her home on 30 November 2016 and held by the authorities without access to legal counsel.¹²

2.13 On 5 December 2016, fellow activist Rose Limbu, a Nepalese migrant worker who is a board member of the Domestic Workers' Union, was also detained by the authorities without charge. She was denied legal representation and CSOs were not allowed to visit her

2.14 As well as these attacks on those who defend the rights of LGBTQI+ people, migrants and other excluded groups, there are broader attempts to suppress dissent. In 2018, the authorities coerced detained activists into signing illegal pledges obliging them to refrain from expressing dissent online in exchange for their release by Lebanese authorities, despite the fact that there is no legal basis in Lebanese law for such arrangements, which seriously imperil the freedom of expression.¹³

2.15 On 21 March 2017, Lebanese activist Ahmad Amhaz was jailed for nine days for a Facebook post that criticised President Michel Aoun, Prime Minister Saad Hariri and Speaker of Parliament Nabih Berri. The charges could lead to two years in prison if convicted.¹⁴

¹⁰ 'Human rights defender Ghassan Abdallah summoned for interrogation', Front Line Defenders, 5 March 2019, <https://www.frontlinedefenders.org/en/case/human-rights-defender-ghassan-abdallah-summoned-interrogation>.

¹¹ CIVICUS Monitor, 19 June 2018, op. cit.

¹² 'Spotlight On Rights Of Migrant Workers In Lebanon', CIVICUS Monitor, 16 December 2016, <https://monitor.civicus.org/updates/2016/12/16/spotlight-rights-migrant-workers-lebanon>.

¹³ 'CIVICUS Monitor Speaks To Lebanese Center For Human Rights', CIVICUS Monitor, 30 July 2018, <https://monitor.civicus.org/updates/2018/07/30/civicus-monitor-speaks-lebanese-hrd>.

¹⁴ 'Activist Ahmad Amhaz released on bail, will still stand trial', Lebanese Center for Human Rights, 29 March 2017, <http://www.rightsobserver.org/blog/activist-ahmad-amhaz-released-on-bail,-will-still-stand-trial>.

3. Freedom of expression, independence of the media and access to information

- 3.1** Under the 2nd UPR cycle, the government received one recommendation relating to the freedom of expression and access to information. The recommendation called on the government to guarantee the freedom of expression and to create additional conditions for its fulfilment. The government noted the recommendation. As discussed below, the freedom of expression and independence of the media continue to face challenges as journalists risk prosecution and media outlets are raided and attacked by authorities and sometimes by members of the public.¹⁵
- 3.2** Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Article 13 of the Lebanese Constitution guarantees the freedom of expression, within the limits established by law. However, despite these protections, several domestic laws criminalise the freedom of expression in Lebanon. Articles 383 to 386 of the Lebanese Penal Code criminalise slander, defamation and libel of a public official, with sanctions including a prison term of between six months and two years for insulting the president, flag, or national emblem. Article 157 of the Military Penal Code calls for prison sentences of between three months and three years for defaming the Lebanese army or flag. The UN Human Rights Committee states that it is “incompatible with paragraph one [of article 19 or the ICCPR] to criminalise the holding of an opinion¹⁶” and the “harassment, intimidation or stigmatisation of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold, constitutes a violation of article 19, paragraph 1.” It has further stated that “the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties” and “state parties should not prohibit criticism of institutions, such as the army or the administration.”
- 3.3** The Lebanese government regularly suppresses online freedom of expression, using articles in the Penal Code and Publications Law related to defamation, slander and blasphemy to prevent criticisms of public officials. In 2019, SMEX tracked 65 cases related to online freedom of expression. Plaintiffs in these cases included former Foreign Minister Gebran Bassil, the Catholic Information Council and other powerful political and religious figures.
- 3.4** Journalists in Lebanon do not receive adequate protection. While the Publications Law contains stronger protections of the freedom of expression than the Penal Code, a 2016 court ruling applies the Penal Code to any speech on social media, including tweets from journalists. Therefore, journalists face harsh penalties in these cases. The

¹⁵ UPR Info, op. cit.

¹⁶ General Comment No.34: Article 19: Freedoms of opinion and expression, 8 July 2020, <https://www.refworld.org/docid/4e38efb52.html>

Lebanese authorities do not often take the cases to trial, but instead the general prosecutor often orders various security agencies, including the Cybercrime Bureau, to detain individuals and pressure them to remove content they have posted or refrain from posting similar content.

- 3.5** Raids and attacks by security forces and sometimes by members of the public are a major cause for concern. On 8 May 2019, state security forces raided the offices of the Al-Akhbar newspaper and confiscated footage from the building's security cameras following the newspaper's publication of an article titled 'Washington Lakes 2', which exposed leaked diplomatic cables between the Lebanese Embassy in Washington DC, USA and the Lebanese Foreign Ministry.¹⁷
- 3.6** On 2 February 2019, Al-Jadeed TV's headquarters in Beirut were attacked by unknown people who lobbed a hand grenade, damaging the office's entrance and a nearby car ¹⁸ Al-Jadeed's headquarters were previously attacked by over 300 protesters on 13 February 2017, following the station's airing of a satirical programme that made reference to Musa al-Sadr, founder of the Amal Movement, during the 1978 civil war.¹⁹ The protesters threw fireworks, bricks and eggs at the building, after which the building erupted into fire, prompting concern about the violent reaction by the public against the exercise of the right to the freedom of expression.²⁰
- 3.7** On 10 December 2018, armed security force personnel, allegedly from the Internal Security Forces, raided the office of the independent online website Daraj and arrested Hazem Al-Amin, co-founder and editor-in-chief.²¹ They interrogated him in relation to a newspaper article before releasing him after two hours without any charges.
- 3.8** Journalists have been assaulted, targeted and arbitrarily arrested in connection to their journalistic work. Syrian journalist Abdel Hafez Al-Houlani, who covers Syrian

¹⁷ 'Lebanese state security forces raided Al-Akhbar newspaper in search of Ibrahim Al-Amin', 6060 News, 9 May 2019, <https://6060news.com/ksa/Story/Details/51062604>; 'Lebanese security forces raid Beirut office of Al-Akhbar newspaper', Committee to Protect Journalists, 22 May 2019, <https://cpi.org/2019/05/lebanese-security-forces-raid-beirut-office-of-al-.php>.

¹⁸ 'Unknown assailants attack Lebanese TV station with hand grenade', Committee to Protect Journalists, 4 February 2019, <https://cpi.org/2019/02/unknown-assailants-attack-lebanese-tv-station-with.php>; 'A bomb attack on the "new" channel.. Watch what happened!', Lebanon.24, 2 February 2019, <https://bit.ly/3gH8VCn>.

¹⁹ 'Protesters attack Lebanese TV channel al-Jadeed headquarters', Al Arabiya, 15 February 2017, <http://english.alarabiya.net/en/media/television-and-radio/2017/02/15/Protesters-attack-Lebanese-TV-channel-al-Jadeed-headquarters.html>.

²⁰ 'Lebanese feminists unite for international women's day march', CIVICUS Monitor, 13 March 2017, <https://monitor.civicus.org/updates/2017/03/13/lebanese-feminists-unite-international-womens-day-protest>.

²¹ 'Armed raid to arrest journalist a 'scandal'', The Daily Star, 12 December 2018, <http://www.dailystar.com.lb/News/Lebanon-News/2018/Dec-12/471560-armed-raid-to-arrest-journalist-a-scandal-activist-says.ashx>; Hazem El-Amin, Facebook, 10 December 2018, <https://www.facebook.com/hazem.elamin/posts/2042110452539528>.

refugee affairs in the Arsal refugee camps, was arrested on 21 November 2018 and detained without charge for several days in connection with his reporting on refugee rights, particularly his article of 18 November 2018 claiming that 20 pregnant Syrian refugee women in Arsal had miscarriages due to polluted water. He was released on bail after 24 days of detention.²²

3.9 Despite clearly identifying themselves, at least four journalists covering a protest in Beirut on 23 December 2018 (see section 4.14) were assaulted by security forces. The journalists reported being hit, kicked and punched and some had their equipment confiscated.²³

3.10 On 6 December 2016, journalism student Bassel al-Amin was arrested after he criticised Lebanon, its presidents and its emblem on social media.²⁴

3.11 Among other reasons, the government's efforts to put a tax of US\$6 per month on WhatsApp users in October 2019 led to widespread protests. The Minister of Communications was forced to cancel the WhatsApp tax on the day it was announced, but protests swelled over government taxes, corruption and broader economic and political issues (see sections 4.6 to 4.13).²⁵

4. Freedom of peaceful assembly

4.1 During Lebanon's examination under the 2nd UPR cycle, the government received two recommendations on the right to the freedom of peaceful assembly. The government supported one recommendation and noted the other. The government committed to ensuring that "the security forces, including the military, are governed, during peaceful demonstrations, by the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials." However, as evidenced below, the government has not implemented these recommendations.

4.2 Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, article 13 of the Lebanese Constitution also guarantees the right to the freedom of assembly. Article 13 of the Constitution provides that "the freedom of assembly... shall be guaranteed within the limits established by law." However, in practice,

²² 'Media independence threatened as 80% politically affiliated', CIVICUS Monitor, 31 January 2019, <https://monitor.civicus.org/updates/2019/01/31/Media-Independence-threatened-80percent-Politically-Affiliated>.

²³ 'Journalists assaulted and news website raided in Lebanon in December', Committee to Protect Journalists, 7 January 2019, <https://cpj.org/2019/01/journalists-assaulted-and-news-website-raided-in-l.php>.

²⁴ CIVICUS Monitor, 16 December 2016, op. cit.

²⁵ 'Lebanon: Continued demonstrations call for comprehensive reform', GCHR, 24 January 2020, <https://www.gc4hr.org/news/view/2311>.

demonstration organisers must often obtain a preapproved permit from the governor of the district where an assembly will take place, if it will obstruct public streets.²⁶

- 4.3** Article 3 of the Public Assemblies Law provides that the government may prevent a public assembly that would disturb public security, public order, or public morality and would go against the regular and normal course of public interests.²⁷
- 4.4** The Public Assemblies Law also provides restrictions on the location and timing of public assemblies. According to the Law, assemblies may not be held on public roads intended for traffic or pedestrian crossing, or within three kilometres of the presidential palace or the parliament. Public assemblies in open spaces may only take place between sunrise and sunset. These broad, blanket constraints on the permissible place and time for assemblies unduly restrict people's ability to assemble peacefully according to international standards. The law prescribes prison terms of between six months and three years and a 'monetary' fine for those found guilty of organising illegal assemblies.²⁸
- 4.5** The government generally allows peaceful assemblies to proceed with few legal restrictions. However, in practice, protests and gatherings have often been disrupted by state actors who employ repressive measures.²⁹ The police use excessive force to disperse crowds in some circumstances.³⁰ Recent protests have seen the use of brutal force by security forces to disperse protesters.³¹ Along with violent disruption of protests, arbitrary arrests, detention and prosecution of unarmed protesters continue to be a major challenge to the right to peaceful assembly in Lebanon.³²
- 4.6** Lebanon has experienced widespread protests since October 2019. The protests began on 17 October 2019 in Beirut in response to the government's WhatsApp tax plans, along with proposed additional fees on oil derivatives.³³ Protests continued in the subsequent months across Lebanon and were largely peaceful, with protesters expanding the scope of protests to demand major economic and political change.³⁴

²⁶ 'Freedom of assembly in the Euro-Mediterranean region', Euromedrights, 2013, https://euromedrights.org/wp-content/uploads/2015/03/FOA2013_EN_LEBANON1.pdf.

²⁷ 'Enabling environment national assessment: case of Lebanon', Arab NGO Network for Development, 2014, https://www.civicus.org/images/EENA%20report%20Lebanon_English.pdf.

²⁸ 'Civic Freedom Monitor: Lebanon', International Center for Not-for-Profit Law, <https://www.icnl.org/resources/civic-freedom-monitor/lebanon>.

²⁹ Ibid.

³⁰ 'Lebanon: Security Forces Use Excessive Force Against Protesters', Human Rights Watch, 19 October 2019, <https://www.hrw.org/news/2019/10/19/lebanon-security-forces-use-excessive-force-against-protesters>.

³¹ UPR Info, op. cit.

³² 'Lebanon: unprecedented use of violence in anti-government protests', CIVICUS Monitor, 11 February 2020, <https://monitor.civicus.org/updates/2020/02/11/lebanon-unprecedented-use-violence-anti-government-protests>.

³³ GCHR, 24 January 2020, op. cit.

³⁴ 'Lebanon: WhatsApp tax sparks demands for fundamental change', State of Civil Society Report, CIVICUS, 2020, <https://bit.ly/31Ucj8l>.

Women were at the forefront of the protests,³⁵ which raised issues of femicides, 'honour killings', the 'marry-your-rapist' law and gender-based violence among pressing issues that need to be addressed by the new government.³⁶

- 4.7** Security forces used excessive force against the largely peaceful protesters, including against children. In response to the initial protests in Beirut, security forces fired teargas and rubber bullets at protesters.³⁷ Several protesters were injured and hundreds were arrested. Some of those arrested were later released bearing marks of abuse.³⁸
- 4.8** In November 2019, dozens of protesters were arrested by both military and civilian security forces across Lebanon. Some of those arrested report that they experienced torture and abuse. Protesters reported being tracked down on the street, arrested without a warrant and held in unknown locations with no access to a lawyer or their families. Two protesters said they were subject to mock executions at the hands of military forces.³⁹
- 4.9** On 14 December 2019, the protests were again met with violence. Over 50 protesters and police officers were wounded after riot police fired excessive amounts of rubber bullets, teargas and water from water cannon at demonstrators gathered outside parliament in Beirut.⁴⁰ A large number of riot police together with men in civilian clothes attacked the gathering of peaceful protesters, chasing and beating them with batons.
- 4.10** On 15 December 2019, Interior Minister Raya Al-Hassan promised a "rapid and transparent" investigation into the violence of the day before. She suggested people should avoid protests for their own safety, due to confrontations with 'infiltrators'.

³⁵ 'Women are at the Forefront of the Lebanese Protests', The Media Line, 11 April 2019, <https://themedialine.org/people/women-are-at-the-forefront-of-the-lebanese-protests>.

³⁶ 'Nine Lebanese women murdered by partners in single month', Al-Monitor, 26 January 2018, <https://www.al-monitor.com/pulse/originals/2018/01/lebanon-violence-crimes-women-femicides.amp.html>; 'Robert Fisk: The crimewave that shames the world', The Independent, 7 September 2010, <https://www.independent.co.uk/voices/commentators/fisk/robert-fisk-the-crimewave-that-shames-the-world-2072201.html>; 'Lebanon rape law: Parliament abolishes marriage loophole', BBC, 16 August 2017, <https://www.bbc.com/news/world-middle-east-40947448>; 'Lebanon women's rights: Marrying your rapist', BBC, 7 December 2016, <https://www.bbc.com/news/av/world-middle-east-38231459/lebanon-women-s-rights-marrying-your-rapist>.

³⁷ 'Citizens in Lebanon take to the streets to protest dire economic conditions', CIVICUS Monitor, 22 October 2019, <https://monitor.civicus.org/updates/2019/10/22/lebanon-protest>.

³⁸ 'Lebanon: Women Human Right Defenders are leading the change', GCHR, 4 November 2019, <https://www.gc4hr.org/news/view/2249>.

³⁹ 'Lebanon: protesters tortured in military detention - new testimonies', Amnesty International, 29 November 2019, <https://www.amnesty.org.uk/press-releases/lebanon-protesters-tortured-military-detention-new-testimonies>.

⁴⁰ 'Lebanon: Authorities must investigate use of lethal force against peaceful demonstrators', GCHR, 23 December 2019, <https://www.gc4hr.org/news/view/2285>.

However, most people were injured at the hands of the parliamentary police and riot police, as well as men in civilian clothes. The violence continued throughout the next two days to a lesser degree, and protesters were again attacked with teargas and batons by police.

- 4.11** On 17 December 2019, counter-protesters attacked protest camps in north and south Lebanon, tearing down tents. In November 2019, militants violently attacked protest camps in Beirut, Nabatiyeh and Sour.⁴¹
- 4.12** On the evening of 19 January 2020, at least 377 people, including protesters and security forces, were left injured after hundreds of protesters gathered near the parliament building, only to be met by security forces who used rubber-coated steel bullets, teargas and water cannon to disperse the crowd, wounding scores of people.⁴²
- 4.13** During the protests, the authorities also confiscated devices from arrested protesters and infiltrated messaging groups. In some cases, they kept the confiscated devices overnight and demanded that the owners of devices come into police stations to unlock them. Some protesters accused the security agencies of tampering with their devices. Further, a number of protesters were doxxed by prominent media individuals, who are aligned with the ruling parties.⁴³ Internet access was also limited during the protests.
- 4.14** Previous protests have been met with violence. On 23 December 2018, security forces and army personnel responded by beating protesters and assaulting journalists⁴⁴ with batons as hundreds of protesters marched through Beirut denouncing the then ongoing political deadlock, and calling for an end to corruption, better social services and respect for citizens' basic rights.⁴⁵ Several protesters were injured.

⁴¹ Ibid.

⁴² 'The Lebanese activists covering their eyes in solidarity with protesters', The Middle East Eye, 21 January 2020, <https://www.middleeasteye.net/news/lebanese-activists-launch-social-media-campaign-solidarity-protesters>.

⁴³ Doxxing is the publishing of private or identifying information about an individual as a means of attacking them.

⁴⁴ 'Security forces clash with protesters in Beirut', The Daily Star, 23 December 2018, <http://www.dailystar.com.lb/News/Lebanon-News/2018/Dec-23/472502-yellow-vest-protesters-decry-living-conditions-in-lebanon.ashx>; 'Pause: be a photojournalist', Al-Akhbar, 27 December 2018, <https://bit.ly/38AwI9C>.

⁴⁵ 'Riots break out amid 'yellow vest' protest in Beirut', The New Arab, 23 December 2018, <https://www.alaraby.co.uk/english/indepth/2018/12/23/riots-break-out-amid-%E2%80%9Cyellow-vest%E2%80%9D-protest-in-beirut>.

4.15 On 16 June 2017, protests against parliament's vote to extend its mandate for the third time and change the voting system⁴⁶ were met with violence⁴⁷ as Lebanese security forces punched, kicked and used batons to beat up unarmed protesters.⁴⁸ At least seven protesters were injured.

4.16 In 2015, protests spearheaded by the #YouStink social movement over Lebanon's rubbish crisis ended in clashes between protesters and police officers which left at least 44 protesters and 30 police officers injured.⁴⁹ In its concluding observations on 30 May 2017, the UN Committee Against Torture expressed concern about consistent reports of excessive use of force by security agents to disperse the protesters and noted the lack of adequate investigations into violence perpetrated by security forces.⁵⁰

4.17 In early 2017, 14 activists were arrested for their role in the #YouStink protests and faced trial by military court.⁵¹ The charges highlighted the excessive jurisdiction enjoyed by the military courts, which enables the authorities to use them as a tool of intimidation against people who express dissent.⁵²

5. Freedom of association

5.1 During Lebanon's examination under the 2nd UPR cycle, the government received one recommendation on the right to the freedom of association and creating an enabling environment for CSOs and the recommendation was noted.

5.2 Article 2 of the Lebanese Constitution guarantees the right to the freedom of association. Article 22 of the ICCPR also guarantees the freedom of association. The Lebanese Law on Associations is enabling on paper; however, its misapplication curtails civil society's enjoyment of this law.

⁴⁶ 'Will Lebanon's new electoral law end the stalemate?', Al Jazeera, 15 June 2017, <http://www.aljazeera.com/indepth/features/2017/06/lebanon-electoral-law-stalemate-170615064815219.html>.

⁴⁷ 'Lebanon: Hold Soldiers Who Beat Protesters to Account', Human Rights Watch, 21 June 2017, <https://www.hrw.org/news/2017/06/21/lebanon-hold-soldiers-who-beat-protesters-account>.

⁴⁸ CIVICUS Monitor, 17 July 2017, op. cit.

⁴⁹ 'Civil society condemns Lebanon's prosecution of protestors in military court', CIVICUS Monitor, 27 January 2017, <https://monitor.civicus.org/updates/2017/01/27/civil-society-condemns-prosecution-military-court>.

⁵⁰ 'Concluding observations on the initial report of Lebanon', United Nations Committee against Torture, 30 May 2017, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/LBN/CO/1&Lang=En.

⁵¹ CIVICUS Monitor, 27 January 2017, op. cit.

⁵² 'Lebanon: Civilians Tried in Military Courts', Human Rights Watch, 26 January 2017, <https://www.hrw.org/news/2017/01/26/lebanon-civilians-tried-military-courts>.

- 5.3** While the first two articles of the Law on Associations are progressive and enabling, other articles are problematic. Article 4 proscribes political associations or cooperatives that are founded on the promotion of Arab nationalism or on the title or basis of individual nationality. Article 5 imposes age restrictions to the enjoyment of the Law, with people under the age of 20 excluded from creating associations. Article 6 continues to impose a series of cumbersome bureaucratic requirements for establishing CSOs. The Ministry of Interior, which is responsible for registering associations, requires founders of associations to immediately provide a signed and stamped statement that includes the address of the association, a statement of its goal, the names of those in charge of running its affairs and their titles and location.
- 5.4** The Law on Associations was enacted in 1909 and amended slightly in 1938, making it extremely out of date. The abstruse and archaic language in article 3 of the Law gives the government extensive discretion to determine the formation of associations, especially if it is deemed that an association might “jeopardise the comfort of the monarchy and integrity of state property, change the form of the current government, or politically discriminate between different Ottoman citizens.” Most human rights organisations are thus permitted to operate only at the discretion of the state.⁵³

6. Recommendations to the Government of Lebanon

- CIVICUS, GCHR, IMS and SMEX call on the Government of Lebanon to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.
- The newly formed cabinet, established in January 2020, must act and build on existing reforms. With the new government in place, Lebanon finally has its three branches fully functioning, and has a fresh opportunity to operationalise its duty to respect, protect and fulfil the rights of people in the country, including by aligning itself with international commitments and obligations spelled out in the conventions it is party to, most notably the ICCPR, International Covenant on Economic, Social and Cultural Rights and International Convention on the Elimination of All Forms of Racial Discrimination.
- At a minimum the state must ensure the following conditions are guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect. In the light of this, the following specific recommendations are made.

⁵³ ‘Encyclopaedia of Arabic Legislations – Lebanon’, International Center for Not-for-Profit Law, <https://bit.ly/3fhj0Wo>.

6.1 Regarding the protection of human rights defenders and activists

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment or intimidation.
- Initiate a consolidated process of repeal or amendment of legislation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Facilitate the commencement and operationalisation of the anti-torture law (law number 65), which remains ineffectual to date, to ensure the effective realisation of all due process rights enshrined in the ICCPR.
- Publicly condemn instances of harassment and intimidation of civil society activists and CSOs.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect human rights activists by adopting a specific law on the protection of human rights activists, in accordance with Human Rights Council resolution 27.31.

6.2 Regarding the freedom of expression, independence of the media and access to information

- Ensure the freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Reform defamation legislation in conformity with article 19 of the ICCPR. As part of this, review the Penal Code and the Military Penal Code to decriminalise defamation, in order to ensure they are in line with best practices and international standards in the area of the freedom of expression.
- Cease the practice of confiscating and censoring print media.

- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Guarantee unfettered access for all people in Lebanon to domestic and foreign media information, both offline and online, including during times of protest.
- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression and information, so as to ensure free access to electronic media, liberalise electronic media ownership rules and allow domestic bloggers, journalists and other internet users to play a full and active role in promoting and protecting human rights.
- Allow unfettered access to online information resources by removing restrictions on access to national and international news websites, social media outlets and CSO websites.
- Ensure proper implementation of the law on access to information and establish mechanisms to facilitate public access in line with best practices, in order to promote and guarantee the full exercise of the rights to the freedoms of expression and opinion.
- Refrain from adopting any laws providing for censorship or undue control over the content of the media.

6.3 Regarding the freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.
- Immediately and unconditionally release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.

- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces while monitoring protests and demonstrations.
- Review and, if necessary, update existing human rights training for police and security forces with the assistance of independent CSOs to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn the use of excessive and brutal force by security forces in the dispersal of protests, including mock executions used to terrorise people psychologically, launch a formal investigation into such instances and bring the perpetrators to justice.
- Provide recourse for judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

6.4 Regarding the freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Abolish criminal responsibility for organising and participating in the activities of non-registered organisations and lift the ban on the activities of non-registered organisations.
- Immediately reinstate all CSOs that have been arbitrarily and unduly sanctioned or deregistered.
- Stop unwarranted raids on CSOs and unjustifiable disruptions of legitimate conferences, seminars and other activities organised by CSOs.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.
- Suitably amend the Law on Associations to guarantee that undue restrictions on the freedom of association are removed and amend laws on public gathering to bring their provisions into compliance with ICCPR articles 21 and 22.

6.5 Regarding access to UN Special Procedures mandate holders

- Facilitate official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy; and 7) Working Group on Arbitrary Detention.

6.6 Regarding state engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.