

Draft Law of Freedom of Expression, Assembly, and Peaceful Protest

In the Name of the People

The Presidency Council

Based on what was adopted by the parliament and ratified by the Presidency Council, and based on the provision of Article (38), the (First) item of Article (61) and the (Third) item of Article (73) of the constitution, the following law is issued:

No. () year 2010

The Law of Freedom of Expression, Assembly and Peaceful Protest

Chapter One Definitions and Objectives

Article-1-

Wherever the following terms and phrases are mentioned in this law, they shall carry the following meanings:

First- Freedom of Expression- The freedom of citizens to express their thoughts and opinions through speaking, writing, filming or any other forms in a way that does not disrupt public order or morals

Second- The Right of Access to Information- The right of citizens to obtain information from official institutions in accordance with the law, especially information related to the work of these institutions and to the content of any decisions or policies related to the public.

Third- Private Assembly- A gathering attended by invited guests even if held in a public place.

Fourth- Public Assembly- A gathering held in a public or private place where attendance is open to anyone.

Fifth- Peaceful Protest- The gathering of unlimited numbers of citizens in the streets or public areas to express their opinions or request the rights granted by law.

Sixth- Election Assembly- A gathering with the purpose of introducing candidates for electoral campaigning that takes place during the period determined by the law.

Article-2-

This Law aims to protect and implement the freedom of expression in all its forms, and the right of assembly and peaceful protest, and the right of access to information in a way that does not disrupt public order or manners, and to determine the parties responsible for implementing these rights.

Chapter Two Freedom of Expression

Article-3-

First- Ministries and entities not associated with any ministry have the right to establish an open database of information for the public to view. They also have the right to publish information on the progress of their work.

Second- The High Commissioner for Human Rights, which was established based on Law No (53) for the year 2008, specializes in dealing with citizen complaints regarding the decisions of agencies to withhold information from them, and after verifying these complaints the commission has the right to request that the relevant agency provide citizens with the information requested if the request conforms to the law.

Article-4-

This law protects the freedom of scientific research including performing scientific experiments and the use of necessary means and conditions for the research. It also ensures the freedom to publish the results of scientific activities.

Article-5-

The following shall be prohibited:

First- Advocating for war, acts of terrorism, or national, racial, religious and sectarian hatred.

Second- Denigrating religions, sects, orders, and beliefs and degrading them or their followers.

Chapter Three Right of Assembly

Article-6-

First- Citizens have the right to hold private assemblies without the need to obtain prior authorization and it is prohibited for security personnel to attend these gatherings.

Second- This law guarantees the freedom of holding election assemblies.

Article-7-

First- Citizens have the right to hold public assemblies after obtaining a prior authorization from the head of the administrative unit at least five (5) days prior to the event. The request shall include the topic of the assembly, its purpose, and its place and time and the names of the organizing committee.

Second- The organizing committee mentioned in the (First) item of this article shall consist of a president and at least other two members. If the members of the committee are not identified, the names included in the request form shall be considered the de facto members of the organizing committee. The organizing committee shall be responsible for properly managing the assembly, fulfilling its obligations as prescribed by the law, and protecting the assembly in coordination with the relevant entities.

Third- If the head of the administrative unit refuses the request to hold a public assembly, the president of the organizing committee has the right to appeal to the court with the relevant jurisdiction. The court shall adjudicate the matter urgently.

Fourth- Organizers of the assembly or one of the applicants must be informed of the decision of rejection according to the Third item of this Article at least twenty four (24) hours prior to the time of the assembly. The process of informing shall take place according to the methods specified by law.

Article-8-

First- It is prohibited to force anyone to attend a public assembly.

Second- It is not permitted to hold a public assembly in public roads.

Third- It is not permitted for a public assembly to extend after 10:00 PM.

Fourth- It is permitted for the participants of a public assembly to raise banners, chant slogans, and to give statements to media outlets on the condition that they do not disrupt the public order or public morals.

Article-9-

The following shall be prohibited:

First- Holding a public assembly at places of worship, schools, universities, governmental departments, unless the lecture or discussion being held fits the intended purpose behind such institutions

Second- Carrying firearms of all kinds or any sharp instruments or tools that may harm people or properties during the assembly.

Chapter Four Right to Peaceful Assembly

Article -10-

First- Citizens have the right to participate in peaceful demonstrations to express their opinions or demand the rights granted to them by law, in accordance to Article 7 of this law.

Second- It is not permissible to organize demonstrations before 7am or after 10 pm.

Chapter Five General Provisions and Conclusions

Article-11-

First- Security authorities are responsible for protecting participants in demonstrations and assemblies if they are organized in accordance to the provisions of this law. It is prohibited for these authorities to use force to break up the assembly or demonstration except when the assembly or demonstration undermines security or causes damage to persons, property or funds.

Second- In situations where damage occur to persons, properties or funds as a result of assemblies and demonstrations, the individuals responsible for causing the damage shall pay compensation. If it is not possible to determine the responsible parties, victims have the right to demand compensation in accordance with the law, and this does not waive their right of filing criminal law suits against the responsible parties in the future.

Article 12-

It is not permissible to restrict the rights and freedoms granted by this law except for the public interest and to prevent disruptions of public order or morals.

Article-13-

First- All who intentionally advocate war, acts of terrorism or national, racial, religious or sectarian hatred, shall be given a punitive sentence of imprisonment for not more than (10) ten years.

Second- A punitive sentence of no less than (1) one year and a fine of no less than (1 000 000) one million Dinars and no more than (10 000 000) ten million Dinars shall be given to anyone who:

- A. Publicly attacks the beliefs of a religious sect or demeans its rituals.

B. Intentionally disturbs, prevents, or hinders the rituals of a religious sect or religious events or gatherings

C. Ruins, damages, defaces or desecrates a building established for a religious ritual, a religious symbol, or any other objects with religious sanctity.

D. Prints or publishes the holy book of a religious sect with the intention to distort or alter its meaning, or to belittle its teachings and provisions.

E. Publicly insults a figure or symbol that is respected by or sacred to a religious group

F. Publicly imitates a religious figure or religious ritual with the intention to mock.

Article-14-

Penal Code number (111) of the year 1969 applies to any case not specifically covered in this law.

Article-15-

The (dissolved) Coalition Provisional Authority order number (19) dated 07/10/2003 (Right of Assembly) is repealed by this law.

Article-16-

The Interior Minister has the authority to issue regulations to facilitate the enforcement of this law, in coordination with the Human Rights Minister, State Minister for Civil Society Affairs and the head of the High Commissioner for Human Rights.

Article-17-

This law is valid starting from the date of its publication in the official gazette.

Reasons to Issue this Law

This law has been issued for formulating a mechanism to guarantee the freedom of expression in all its forms, the right of assembly and peaceful demonstration, and the right to access information so long as these rights do not disrupt the public order or morals. This law has been issued to determine the parties responsible for implementing these rights, and to determine the penalties for violations.

For the above reasons, this law has been legislated.