



## Poverty and torture and ill-treatment in Lebanon

Submission to the UN Special Rapporteur on extreme poverty and human rights on the occasion of his visit to Lebanon (1-12 November 2021)

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## 1 Introduction

A recent report by the UN Economic and Social Commission for Western Asia (ESCWA) estimated that, in 2021, 82 per cent of the total population in Lebanon lived in multidimensional poverty, and 34 percent in extreme multidimensional poverty.<sup>1</sup> This rate doubled over the past two years, due to the unprecedented economic, social and political crisis that the country has been facing since 2019. This has been caused by, and translates at the same time into, challenges in accessing proper employment and income, education, healthcare and other basic services; that the State has not been able to properly address.

In this situation, the vulnerability of people living in poverty to torture and ill-treatment, as shown in numerous studies and reports, including your 2017 report on poverty and civil and political rights,<sup>2</sup> has never been more critical.

As a leading NGO working on torture prevention, protection and rehabilitation, we would like, on the occasion of your visit to Lebanon, to shed light on the specific situation of victims of torture in this context.

## 2 Main issues

### 2.1 *Victims of torture living in poverty*

It is first important to note that, from our observations, victims of torture are disproportionately experiencing various dimensions of poverty. Based on cases of victims that we support, we have notably observed that<sup>3</sup>:

- Victims of torture come overwhelmingly from already vulnerable groups: for example, almost a fourth of our beneficiaries that were subjected to torture or ill-treatment are refugees and 54 per cent are foreign nationals; 69 per cent are prisoners.
- They live for the most part (94 per cent) in socioeconomically disadvantaged areas, such as Akkar and North Lebanon; where UNESCWA reported that 92 and 85 per cent of the households are experiencing multidimensional poverty,<sup>4</sup> and where access to basic healthcare, administrative, social support or education services is more difficult.
- A majority of them (68 per cent) report a “bad economic situation”; with only 29 per cent being able to provide for themselves and/or their family through employment, and about a third (30 per cent) relying on external financial aid provided by non-state actors.
- They report lower levels of education, with 70 per cent of them having not been further than middle school, and 13 per cent not having received any formal education.

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<sup>1</sup> UN Economic and Social Commission for Western Asia (UNESCWA), *Multidimensional poverty in Lebanon (2019-2021): Painful reality and uncertain prospects*, E/ESCWA/CL3.SEP/2021/POLICY BRIEF.2, September 2021.

<sup>2</sup> A/72/502

<sup>3</sup> These figures are drawn from an analysis of Restart Center’s cases of victims of torture (N = 673); which is a very small number compared to the reality of torture and ill-treatment acts in Lebanon, that remain severely underreported. They are thus meant to be illustrative only, and not a basis for generalization or comparison.

<sup>4</sup> UNESCWA, *op. cit.*, page 2.

These figures provide an overview of the socioeconomic vulnerability of victims of torture. Conversely, it is this vulnerability that made them more at risk of serious violations of their fundamental human rights; including the right to be protected from torture and ill-treatment.

## *2.2 Procedural rights*

Torture and ill-treatment in Lebanon most often occur in places of detention, especially in police detention and prisons – a majority (69 per cent) of our beneficiaries that were subjected to torture are prisoners. People living in poverty are more at risk of finding themselves in such contexts, notably because of their lack of resources to ensure that their rights are respected all along the investigation and judicial processes.

It has been shown that many of the vulnerabilities and discriminations that poorer people face in the first place, such as the ones based on their living situation, their legal status, their belonging to vulnerable groups, etc.; are notably reflected in practices in policing practices and within the criminal justice system. People experiencing poverty thus face a higher risk of being arrested and put in police and/or pre-trial detention.

This phenomenon particularly emphasized by the fact that they do not have the necessary material and immaterial resources to ensure that their basic procedural rights are respected, and that they are not unnecessarily or arbitrarily detained as a result.

Article 47 of the Lebanese Criminal Procedure Code provides for basic procedural safeguards, but these are both insufficient in their scope and are ineffectively implemented. In this situation, access to proper legal representation, to an interpreter or to an independent doctor, has to be organized by the person arrested. In cases of people living in poverty, they often cannot afford it. Even if they could, or if such safeguards were systematically implemented by authorities, the people arrested may not have knowledge of their rights and what they are entitled to, and thus may not use them. For example, a third of the victims of torture that we accompany are refugees and 61 per cent are foreign nationals, who are likely to not understand the language of the investigation, procedures, or know their rights under the Lebanese legislation; but they are not always provided a professional interpreter.

Furthermore, very few alternatives to imprisonment, especially pre-trial, exist in Lebanon; and are often limited to paying bail or a fine, which for many people is something they cannot afford; unless they enter debt and risk being pulled further into the vicious cycle of poverty.

Because these procedural safeguards are preventive in nature, the fact that people living in poverty have limited access to them increases the risk of detention and occurrences of torture and ill-treatment. But it also hinders the possibilities for reporting such acts – either by victims to independent, aware professionals such as lawyers and doctors; or by the latter directly where they observe it – and to seek rehabilitation, prosecution and redress. It also tends to allow for a culture of impunity amongst the people committing acts of torture and ill-treatment, especially when on people coming from vulnerable backgrounds.

### 2.3 *Detention conditions*

These limitations, and sometimes violations, of the rights to a fair trial and to liberty and security of the person lead people in poverty to being imprisoned, pre-trial or after a definitive sentence, in detention conditions that are far from complying with international standards, such as the UN Mandela Rules. Some of these issues have been, to a degree, long-standing; but all of them have further been exacerbated by the economic crisis.

Prisons are overcrowded, insalubrious, unhygienic. The authorities face chronic shortages of basic supplies, such as medication, hygiene supplies (soap, disinfecting gel, detergent of any kind), PPE for staff and detainees, some types of food, or even potable water. They do not have the funds to rehabilitate, repair or replace insalubrious infrastructure and material. In Qobbeh Prison in Tripoli for example, the access to potable water needs to be entirely replaced, but the authorities do not have the financial resources to do so. Unaddressed car breakdowns and fuel shortages prevent the timely transfer of prisoners, either to appropriate services in case of emergencies, such as health ones; or to courts for hearings and trials. As a result, the hearings are postponed and the concerned people have to remain in detention for longer than necessary, sometimes for months. It not only maintains them in contexts in which torture is more likely to happen, but it can also amount to a violation of their right to liberty and to protection from arbitrary detention – especially in the case of people in pre-trial detention, that are still presumed innocent.

The lack of resources also affects the existence and provision, inside detention facilities, of physical and mental health care; recreational activities; rehabilitation and reintegration and social support.

As prisons cannot provide basic services and supplies as they are supposed to, people in detention have to rely on their own means or on outside help. This is particularly difficult for people from poorer backgrounds: they often cannot afford to buy medication or food from outside (nor can their families; who, in the current situation, sometimes cannot even afford fuel to visit their close ones in prison), water bottles where the tap water is polluted, or phone time to call their close ones or legal representation. It has been reported to us that, because prison authorities cannot provide for healthcare inside detention facilities nor pay for it in outside facilities, hospitals request the families of prisoners to pay for it. Additionally, it should be noted that detention can lead to people losing their job, livelihood and sometimes home. This can reinforce the vicious circle of poverty and vulnerability, for themselves and their families – especially when the person detained was the household's main provider.

In Restart Center's professional opinion, the accumulated effects of the conditions described above cause physical and psychological pain and suffering to detainees, which reaches a level that qualifies the situation as amounting to ill-treatment and, in some circumstances, torture.

### 2.4 *Consequences of torture and ill-treatment*

Poverty has thus an impact on the right to fair trial and to liberty and security of the person; which are essential safeguards for the prevention of and protection from torture. It is also necessary to point out how it affects human rights *after* torture or ill-treatment occurred.

One of the most pressing issue is that it can be very difficult for victims of torture in detention to seek and obtain the proper healthcare support that they need to address the effects of torture on physical and

mental health. 80 per cent of the victims of torture we accompany report health problems, but 81 per cent of them do not follow any medical treatment. While there are a number of reasons that could explain this phenomenon, it seems reasonable to consider their lack of financial resources, as well as the country-wide shortages observed in the past few months, as important ones.

These effects, coupled with the restrictions and social stigma associated with their status for some of them (e.g. being a refugee or a former prisoner) can also have consequences on their ability to obtain a job and income that allows them to provide for themselves, their families and their communities.

Finally, it is extremely hard for victims to seek redress and compensation in Lebanon. The Law no. 65/2017 on criminalization of torture only mention redress once, leaving the decision to the judge without any precision on the modalities. It fails to address the requirement of all State parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), that Lebanon ratified in 2000, to “ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible”, as stated in the Article 14 of the CAT and reaffirmed in the Committee Against Torture’s General Comment no. 3.<sup>5</sup>

### 3 Recommendations

The issues highlighted above show how closely poverty and torture are interrelated in Lebanon. Torture affects people in poverty on many levels; poverty makes people more at risk of serious violations of basic human rights such as the right to security and liberty of the person, the right to a fair trial, the right to health and, ultimately, of the right to protection from torture.

A national preventive mechanism (NPM) was established in Lebanon in 2016, as part of its international obligation under the Optional Protocol to the CAT (OPCAT), that it ratified in 2008. However, the NPM lacks the adequate resources to be operational and to fulfil its role of monitoring the implementation of procedural safeguards, as well as the living conditions in places of detention; and by extension, to address the aforementioned issues.

We therefore would like to recommend that – in light of these findings, in your capacity of Special Rapporteur on extreme poverty and human rights, and in line with your advocacy towards ensuring the indivisibility of human rights – you:

- Take into account the specific vulnerability of people living in poverty to torture and ill-treatment; in your discussions with the authorities and stakeholders that you will meet, and your subsequent analysis and recommendations.
- Address, with relevant authorities, the need for adequate resources to be allocated to the NPM; in order to allow it to fully fulfil its monitoring mandate.
- Visit a detention facility, such as a prison or a police station.
- Meet with victims of torture and ill-treatment and their families, as well as with professionals that work on this issue in Lebanon.

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<sup>5</sup> UN Committee Against Torture (CAT), *General comment no. 3: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: implementation of article 14 by States parties*, CAT/C/GC/3, 13 December 2012