



**Special Rapporteur on Torture | Call for Input**  
***Identifying, Documenting, Investigating, and Prosecuting Crimes of Sexual Torture  
Committed during War and Armed Conflicts, and Rehabilitation for Victims and Survivors***

**By the Lebanese Center for Human Rights (CLDH)**

- I. Challenges, impediments and obstacles to effective identification, documentation, investigation and prosecution of crimes of sexual torture and related ill-treatment: What are the main impediments preventing full and prompt investigations and prosecutions into allegations of sexual torture and related crimes committed during an armed conflict – consider matters such as gaps in civil or military legal and regulatory frameworks (see next), political-cultural-leadership, institutional, sociological, psychological, practical, forensic, health, other challenges? What are some examples of strategies or good practices for addressing these challenges?**

Many victims of sexual torture often do not know about their legal rights to act against their abusers. After a certain period, the crime is no longer subject to criminal prosecution (extinction by prescription). This period varies depending on the offense's severity. Once it has elapsed, the right to prosecute or seek legal remedies for the offense is lost.

Victims may also avoid seeking legal action due to fear. They worry that if the perpetrator has power or influence, taking legal action could put them at a greater risk. This fear stops them from seeking justice, allowing the abuse to continue unchecked.

One of the main obstacles also facing victims of sexual torture is the fear of society's judgment and the potential pressure exerted by the perpetrators or their associates on the victim or her family. This fear can be paralyzing and prevent victims from coming forward to seek justice.

Moreover, the difficulty of proving these crimes is a major obstacle for victims, especially due to the lack of specialized forensic services and the high cost associated with obtaining forensic evidence. This lack of access to crucial forensic resources makes it difficult for victims to substantiate their claims.

In addition to these challenges, victims of sexual torture often need comprehensive social, psychological, and legal support to overcome the difficulties associated with obtaining justice. This includes providing them with the resources and assistance they need to overcome the obstacles they may encounter in taking legal action against their abusers.

Ultimately, overcoming these obstacles requires a multi-faceted approach that involves not only legal reforms and improved access to forensic services, but also comprehensive support systems that prioritize the well-being and empowerment of victims throughout the legal process.



**II. Regulatory frameworks – civilian and military codes: Does the national legislative or regulatory framework account for sexual torture inflicted during armed conflict?**

**Sub-questions: How is torture of a sexual nature (and related forms of cruel, inhuman or degrading treatment or punishment, as applicable) prohibited and criminalized in national legislation? *Please refer to both general criminal code, as well as any applicable military laws.***

**Is “sexual torture” defined explicitly in national law? If so, is it a separate offence, or has your national law defined ‘discrimination’ as contained in the definition of torture in Article 1 of the UN Convention against Torture?**

**If there is no explicit crime of sexual torture, does the general crime of torture include the sexualized nature of the torture as an aggravating factor that may increase any criminal penalties? Does the law incorporate any other approaches that specifically address the sexualized nature of the crime?**

**Please provide examples (and copies) of national laws, or leading judgments, that criminalize sexual torture (and related forms of cruel, inhuman or degrading treatment or punishment, as applicable), and the penalties applied.**

Lebanon recognized the primacy of this international agreement over national laws. By ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, Lebanon accepted that this convention would prevail over its national laws.

Article 1 of the Convention defines 'torture' as any act intentionally inflicting severe physical or mental pain or suffering upon a person for various purposes, including obtaining information or confessions, punishment, intimidation, coercion, or discrimination, when perpetrated or condoned by a public official or individual acting in an official capacity.

While the convention does not explicitly mention sexual torture, its definition covers acts causing severe physical or mental suffering, suggesting the inclusion of sexual torture within its scope.

On a national level, and as a result to ratifying the international Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment in 2000, Lebanon implemented Law 65-2017. This legislation explicitly criminalized torture by amending Article 401 of the Criminal Code.

Although Lebanon does not have a specific legislation addressing sexual torture, such acts are englobed within the broader category of torture as defined by Law 65. Consequently, cases of sexual torture can be prosecuted under this legislation. However, it is worth noting that Law 65 is gender-blind, and it does not account for gender considerations of torture. The law does not refer to the sexual nature of torture as an aggravating factor that may increase the criminal penalty.



**III. Victim participation and protection during investigation and prosecution: What special arrangements (procedures, standards, protocols, good practices) and protections are available for victims of sexual torture and related ill-treatment in armed conflicts? Are there any consultation and/or discussion platforms to enable victims and survivors of sexual torture crimes committed in armed conflicts to actively participate in the design, implementation and evaluation of the legal and/or administrative processes specifically established for justice and reparations of such crimes?**

The fourth article of Law 65-2017 introduced an amendment to Article 10 of the Criminal Procedure Code. This addition stipulates that all statements made during criminal proceedings as a result of torture are inadmissible as evidence, except those that can be utilized against the alleged perpetrator.

Furthermore, Article 1, Section c, of the law states that the court may decide to rehabilitate victims of torture, in addition to providing personal compensation. In particular, it is emphasized that rehabilitation should be a mandatory measure for the court, rather than an optional consideration.

Additionally, Article 5, paragraph 3, of Law 65 clearly underlines the obligation of the public prosecutor, investigating judges, and competent courts to take prompt measures to protect complainants and witnesses from any form of ill-treatment or intimidation. It also stipulates that victims of torture must be treated in such a way as to preserve evidence while taking into account their psychological state resulting from torture.

Despite these legal provisions, it is worrying to note that there are still no established procedures to effectively protect victims. This undermines the intent of the law and poses significant problems for victims seeking justice and rehabilitation.

**V. Rehabilitation: What specialist rehabilitation approaches and services are provided to victims, witnesses, families and communities that have been impacted by sexual torture and related ill-treatment in armed conflict? How do these differ from other rehabilitation support provided to victims of torture? How do they differ from rehabilitation provided in non-armed conflict situations? How should the nature or process of rehabilitation be tailored to different groups of victims (e.g. take into account intersecting characteristics as sex/gender, age, other health circumstances, civilian versus military victims, etc.), or the types of sexual torture suffered during armed conflict? How do these relate to the provision of other forms of reparation (compensation, restitution, satisfaction, and non-repetition)?**

**Trauma-informed care:** This approach emphasizes creating a safe and supportive environment that fosters healing and empowers survivors. It is particularly crucial for victims of trauma, including those who have experienced sexual torture. It begins with a deep understanding of the profound impact trauma can have on individuals, both psychologically and physically. It recognizes that trauma, such as sexual torture, can lead to a wide range of symptoms, including



anxiety, depression, post-traumatic stress disorder (PTSD), and complex trauma. Trauma-informed care emphasizes the importance of empowering survivors and giving them a sense of control over their healing journey. This includes respecting their autonomy, offering choices whenever possible, and involving them in decision-making regarding their treatment and recovery.

**Holistic approach:** The holistic approach to rehabilitation for victims of sexual torture involves a multidisciplinary team that addresses their social, psychological, medical, and legal needs. Social workers play a crucial role in rebuilding social connections and relationships through family counseling and psychosocial group sessions. Also, they provide education and livelihood support, empowering survivors economically and socially. Psychologists offer essential support to help survivors cope with the psychological consequences of sexual torture including conditions like PTSD, depression, anxiety, and suicidal ideation... They may also refer individuals to psychiatric follow-up when necessary. Medical care is comprehensive, overseen by a general practitioner who addresses physical injuries resulting from sexual torture. A collaboration with specialized outpatient departments (OPDs), centers and forensic doctors is sometimes needed in such cases. In terms of legal intervention, consultations and representation are provided to help survivors access justice. This aspect is further elaborated in section e, emphasizing the importance of legal support in seeking accountability for perpetrators and obtaining reparations for survivors.

**Child protection whenever the victim is a minor:** When the victim of sexual torture is a minor, child protection becomes more critical. Therefore, it is crucial to engage in effective referral processes and collaborate closely with relevant stakeholders. This collaborative approach ensures a comprehensive and coordinated response to safeguarding the minors' well-being and facilitating their recovery process.

**Legal support as part of the rehabilitation:** Legal support is integral to the rehabilitation program for victims of sexual torture as it addresses the multifaceted needs of survivors, including their rights, safety, and well-being. Victims of sexual torture often face significant barriers in accessing justice due to factors such as fear, stigma, and lack of resources. Legal support provides survivors with the necessary guidance and advocacy to navigate legal processes, seek accountability for perpetrators, and pursue justice for the crimes committed against them. Legal support works towards restoring the rights of the victims by advocating for reparations, compensation, and other forms of redress for the harm suffered. By holding perpetrators accountable through legal actions, legal support contributes to prevention efforts against sexual torture and other forms of violence. It sends a strong message that such crimes are not tolerated and helps create a more just and equitable society where all individuals are protected from harm.