



Women and Juveniles' Rights **BEHIND BARS**

Research Report - 2022



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INTRODUCTION

In 2015, CLDH published a study on women behind bars, highlighting arbitrary detention and the practice of torture. In the scope of this study, three categories of arbitrary detention were listed: category I administrative detention, category II - foreigners in detention, and category III - prolonged pre-trial detention and prolonged custody. Besides these categories, CLDH developed the profile of women at risk of being victims of torture and ill treatment, emphasized on different types of torture inflicted against women, after having conducted interviews with 44 women arrested between January 1, 2013 and December 31, 2014 in Lebanon. Today, it is important to update our understanding of the situation of women in prisons and detention cen-

ters, in order to set a comparative analysis on the findings of the 2015 study and the present research, and help better understand the developments of the human rights situation of women in prisons. However, and for this research, it was decided to widen the perspective of the topic to include juveniles/minors in prisons and in detention centers, as well as some new perspectives.

Conducting research on women and juveniles/minors in prisons and detention centers has not been common in Lebanon over the years. All research studies found on the matter are outdated as they have been published before 2015.

Research Problematic

This research aims to investigate the situation of women and juveniles/minors in prisons and detention centers in Lebanon, with a comparative analysis going from 2015 until early 2022. The main goal of the research is to enable better protection of the rights of women and juveniles/minors in prisons and detention centers in Lebanon by highlighting violations. In order to encompass the topic's numerous aspects, the research is divided into two parts: part I - the provision and violations of basic rights, and part II - the provision and violations of other human rights.

Research Overview

In Lebanon, there is one prison for juveniles/minors men located in the Central Prison Roumieh, and another one for juveniles/minors women in Daher Bashek. Also, there are four prisons for adult women: Zahle, Baabda, Barbar Khazen and Al Qubbah. As for the justice detention centers, there are two for adult women: one in Tripoli and one in Hbeish Police Station, and none for juveniles/minors.

The situation of women and juveniles/minors deprived of their freedom in Lebanon has been evolving along the years, and there are multiple legal instruments including international and domestic ones that regulate the treatment of women and juveniles/minors, and the management of the prisons and detention centers where they are held.

Today, in May 2022, it is imperative to investigate the situation from different angles and the perspective of: women and juveniles/minors deprived of their freedom, judges, lawyers, prison staff, organizations, and other relevant parties.

Research Objectives

This research aims at:

- Defining the legal frameworks of women and juveniles in prisons and detention centers by studying and comparing different international and domestic regulations for women and juveniles/minors in prisons and detention centers.
- Understanding the trends and dynamics related to the living and detention conditions of women and juveniles in the past 6 years.
- Suggesting recommendations as an action plan for the enhancement of the situation of women and juveniles/minors in prisons and detention centers in Lebanon.
- Investigating the situation after the establishment of the National Prevention Mechanism (NPM) and the implementation of the Lebanese Law No. 65/2017 on torture and ill treatment.
- Evaluating the situation in light of the country's current crises: pandemic, political instability, economic

Research Questions

This research revolves around one primary research question and multiple secondary research questions.

The primary question is the following:

Are there human rights violations encountered by women and juveniles/minors in prisons and detention centers? If so, how would they be challenged so women and juveniles/minors would be better protected?

The secondary questions are as follows:

■ **Question A:**

What are the legal grounds that regulate the situation of women and juveniles/minors in prisons and detention centers in Lebanon?

Is Lebanon entitled to international regulations such as the Nelson Mandela Rules, the Bangkok Rules and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty?

What domestic laws relate to the topic?

Are there discrepancies in these regulations?

■ **Question B:**

How has the situation of women and juveniles/minors in prisons and detention centers evolved from January 1, 2015 to December 31, 2021?

■ **Question C:**

To what extent, if at all, and how are women and juveniles/minors in prisons and detention centers subjected to torture and ill treatment?

■ **Question D:**

How are responsibilities divided between the Ministry of Interior and the Ministry of Justice, including Internal Security Forces (ISF) members (wardens, guards...) in prisons and detention centers?

Question E:

■ What is the legal and practical situation of pregnancy in prisons and detention centers?

To what extent do pregnant and lactating women access appropriate medical care?

Where are the new-born and children kept?

How does the birth process happen?

■ **Question F:**

What happens to juveniles who become adults during their sentences? Are they transferred immediately? Are there juveniles who are held with adults? Is there any rehabilitation program implemented to prepare juveniles who will be released after serving their sentence?



METHODOLOGY

This research applied a mixed-method approach as it included both qualitative and quantitative methods. The qualitative method added thoughts, insights and opinions on the topic. The quantitative method revolved

around necessary quantitative data and a statistical comparison of some findings. Using both methods enriched the research and ensured it is studied from different angles and contains different types of findings.

Data Collection Tools and Workplan

This research provided an analysis of the findings of different research tools: key informant interviews (KIIs), surveys with women prisoners and juveniles in Lebanon, in-depth interviews (IIs), 1 testimonial story from a released woman.

Data Collection Limitations

Because the State authorities delayed in providing CLDH with the required permits to conduct surveys with juveniles in detention centers, CLDH was not able to conduct more than 17 surveys with the juveniles in Dahr El Bachek (11) and Central Roumieh Prison (6).

Review Annex (7) for the details of the implemented data collection tools.

Tool	Participant(s)	Tool of Inquiry (Research Question)	Questionnaire
Tool 1. Key-Informant Interviews (KIIs)	1 Judge working on Lebanese and non-Lebanese women cases	Questions A, B and C	Annex 1
Interviews (KIIs)	1 Juveniles Judge		Annex 1
	2 Lawyers working on women cases from different nationalities		Annex 2
	2 Lawyers working on juveniles/minors cases		Annex 2
	Social workers providing services for women in prisons: Dar El Amal, Mouvement Social and Abaad	Questions B and C	Annex 3
	Social workers providing services for juveniles in prisons: Dar El Amal and Mouvement Social		Annex 3
Tool 2. Surveys	Survey with juveniles and women in prisons and detention centers	Questions B and C (as well as E and F if applicable)	Annex 4
Tool 4. In-Depth Interview (II)	Former inmate (women)	Questions B and C (as well as E and F if applicable)	No questionnaire - open dialogue.

RESEARCH FINDINGS

The purpose of prison systems should be centered around rehabilitative approaches rather than punishing methods, noting that the main goal behind incarceration is reintegration into society rather than perpetual imprisonment. However, the current situations of prisons prove that rehabilitation is failing to be implemented, as J. Houston argued, there still is “a nearly pathological desire to punish the individual, in the hope that somehow the experience will not only deter him or her from future criminal conduct but will also deter others from similar behavior”¹.

“The problems are piling up and the situation is getting worse”². These were Dr. Joanna Imad³’s first words when asked about the main issue in Lebanese prisons, in particular those of women and juveniles. Dr. Joanna added; “we have uncountable issues in the Lebanese prison system which aims at punishing without rehabilitating individuals”⁴.

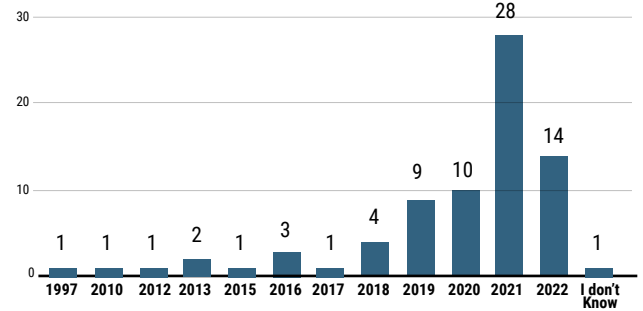
These are one of the factors behind which the criminality rate has increased over the past years in Lebanon. According to “International Information Agency”, by the beginning of 2022, crime had risen by 101% overall, according to statistics done by the Internal Security Forces, pointing to a rise in theft, murder and kidnapping during the first months of this year, compared with the same period last year and 2018, 2019 and 2020.⁵

Similarly, the quantitative survey findings show that 80.26% (61 women) of the women prisoners respondents had been arrested between 2019 and 2022.

In detail, as it appears in the figure below:

- 9 out of 76 (11.8%) were arrested in 2019;
- 10 (13.1%) were arrested in 2020;
- 28 (36.8%) were arrested in 2021;
- 14 (18.4%) were arrested in 2022.

Years of Arrests (3 prisons)



“The State is not present, not at all. Non-governmental organizations are doing all the work.”⁶ This is how Dar El Amal described the situation in women’s prisons, based on the organization’s observation during prison visits and interventions. The expression “all the work” can be defined as the provision of rights to prisoners, especially that non-governmental organizations provide different types of services that guarantee some of their rights.

“If we were to compare the women’s prison in Tripoli (Qubbah), to the men’s prison there, we would see that the women’s prison is in a good condition. However, if we were to evaluate its alignment with international standards, we would conclude that a lot of renovative work should be done.”⁷ Dar El Amal mentioned international standards which include international rules and instruments. This research is based on some of these rules, particularly some of the United Nations rules.

1. The United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules;
2. The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, also known as the Bangkok Rules;
3. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty, which will be indicated in this research under “Juveniles Rules”.

It is true that these rules are not binding as conventions where Lebanon is a State party.

Domestically, the Lebanese constitution ranks the highest among domestic legal regulations. The preamble of the Lebanese constitution stipulates in paragraph B the following:

¹ J. HOUSTON, *Shifting the paradigm: Classification and programs in prison*, *Criminal Justice Review*, p. 66-78.

² Tool 1, KII 1, Dr. Joanna Imad, 21 March 2022, conducted remotely.

³ Dr. Joanna Imad is a lecturer in psychological criminology, a psychotherapist and an expert in rehabilitative sentences and harm reduction. Dr. Joanna was the harm reduction coordinator to all prisons in Lebanon and has also been part of many associations that raise questions on criminology and rehabilitation.

⁴ Tool 1, KII 1, Dr. Joanna Imad, 21 March 2022, conducted remotely.

⁵ Sawt Beirut International, “Lebanon’s “alarming” increase in crime rate... Those are the reasons!”, <https://english.sawtbeirut.com/video/lebanons-alarming-increase-in-crime-rate-those-are-the-reasons/>, consulted on May 23, 2022.

⁶ Tool 1, KII 6, Dar El Amal, 10 March 2022, Tripoli.

⁷ Tool 1, KII 6, Dar El Amal, 10 March 2022, Tripoli.

"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."⁸

The preamble was added to the Lebanese constitution in 1990 and was given the constitutionality value in 2002 through the decision number 2/2002 taken on the 31st of December 2002. Ipso facto, the United Nations rules and principles are, after that, considered at the highest rank of the domestic legal regulations in Lebanon. For this reason, the State of Lebanon should abide by the three sets of rules above-mentioned (Mandela, Bangkok and Juveniles Rules).

As for the Lebanese regulations that align with the topic, besides the Lebanese Penal Code (1943) and the Leb-

anese Code of Criminal Procedure (2001), it is important to mention the Lebanese Juveniles Law 422/2002 for the Protection of Juveniles in Conflict with the Law and/or at Risk in Lebanon, and the Lebanese Decree for Organizing Prisons Number 14310 (1949).

Since the scope of this research is limited to prisons of women and juveniles, it sheds light, on one hand, on the provisions and violations of basic rights in these prisons (I); and it englobes the provision and violations of other human rights on the other hand (II).

The report covers the relevant legal grounds that regulate the situation of women and juveniles in Lebanese prisons along with its current implementation, engaging exclusively the legal regulations that correlate with the data collected and analyzed in this research's data collection tools.

⁸ Preamble of the Lebanese Constitution added in 1990, Lebanese Constitution, May 23, 1926.



PART I

PROVISIONS AND VIOLATIONS OF BASIC RIGHTS

"If I see an officer or army or police, I still feel afraid and I fear them."⁹ This is how Nabila described the impact of her imprisonment in 2017. Nabila is Syrian and she was arrested for not renewing her legal residency in Lebanon. She spent six months in Barbar Khazen women's prison. Based on her observations, all basic needs were provided to her inside the prison. However, she explains that she fears State authorities. This means that the relationship she has with such entities is that of threat and lack of trust. For this reason, it is important to document and analyze the provision and violation of basic rights in women's prisons. Nabila was in Barbar Khazen prison. Data collected below includes the other three women's prisons in Lebanon: Zahle, Qubba and Baabda.

Basic rights are considered in this research the ones inspired by the Pyramid of Maslow¹⁰:



Right to food and drinkable water



Right to water and hygiene



Right to ventilation, air and average temperature



Right to health



Right to food and drinkable water

The right to food is regulated by rules 22 and 114 of the Mandela Rules, rules 37 and 73 of the Juveniles Rules, as well as articles 77, 80 and 81 of the Lebanese Decree Number 14310.

As a parallelism, rule 22 of the Mandela rules and article 77 of the Lebanese decree 14310 both mention the necessity of providing food for prisoners by the prison administration at convenient hours. Article 77 specifies 8 categories of food in order to guarantee a balanced diet keeping the prisoners healthy. The situation in practice is contradictory. Based on CLDH's observations during the prison visits conducted in the Qubba women's prison, along with Dar El Amal's explanation during one of the interviews¹¹ conducted, the "Karawane" (which is the meal given by the prison administration to the prisoners) is not enough and is not of good quality. One of CLDH's team members had the opportunity to see this meal and they described it as "a mix of water and beans".

If the prisoners were to eat something other than this meal, they would have to ask their family outside prison to bring them some money with which the prison administration could buy them food. This has become the case after the Covid-19 pandemic, as before that, the prisoner's families would bring food instead of money. Dar El Amal mentioned that they sometimes cover part of this but added that it has been getting more difficult due to the increased prices and the economic crisis in Lebanon.

"Drinking water shall be available to every prisoner whenever he or she needs it."¹² Similarly to the provision of food and even worse, drinkable water is not available in the women's prisons. For this reason, the prisoner either drinks from the toilet faucet (not-drinkable) or ensures their family is giving money to the prison administration to buy them drinkable water. For instance, one of the women imprisoned in Baabda stated: "the food is disgusting and we drink from the faucet which isn't clean"¹³.

⁹ Tool 3, In-depth interview, testimony of "Nabila" (fake name), a Syrian woman formerly imprisoned in Lebanon, interview conducted remotely on May 17, 2022.

¹⁰ Maslow's hierarchy of needs is a motivational theory in psychology comprising a five-tier model of human needs, often depicted as hierarchical levels within a pyramid. From the bottom of the hierarchy upwards, the needs are: physiological (food and clothing), safety (job security), love and belonging needs (friendship), esteem, and self-actualization. - Dr. Saul Mcleod, <https://www.simplypsychology.org/maslow.html>, published in 2007, consulted in May 2022.

¹¹ Tool 1, KII 6, Dar El Amal, 10 March 2022, Tripoli.

¹² Rule 22, paragraph 2, Nelson Mandela Rules.

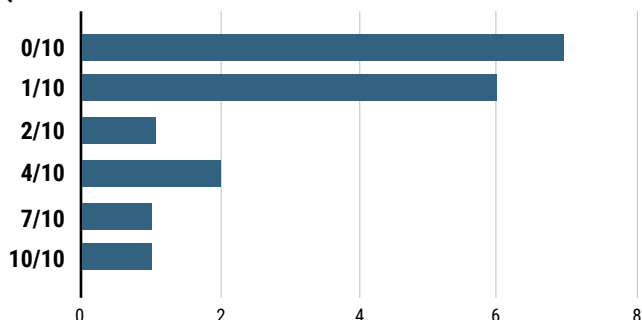
¹³ Tool 2, Surveys with women in Baabda prison, 21 April 2022

As for the right to food for untried prisoners, it is regulated by rule 114 and article 81 of the Lebanese decree, and both explain that untried prisoners shall be provided food by their families and friends or by giving money to the administration.

During the data collection tool 2 (surveys with women prisoners), every prisoner / participant was asked to rate the food and drinkable water in prison. The lowest scale is 0/10, meaning “very bad” and the highest one 10/10, meaning “excellent”. The figures below illustrate the results.

Rating/10 - Food and Drinkable water

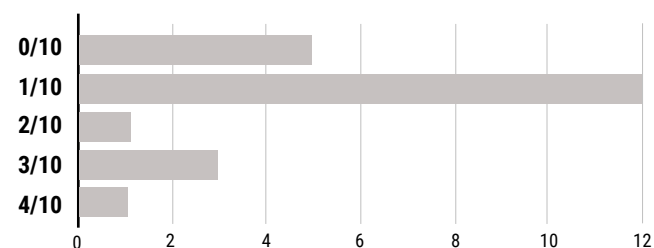
Qubbah Prison



In Qubbah prison, 72.2% answered 0/10 and 1/10. In other words, the majority of participants gave the lowest two rates for the food and drinkable water in prison.¹⁴

Rating/10 - Food and Drinkable water

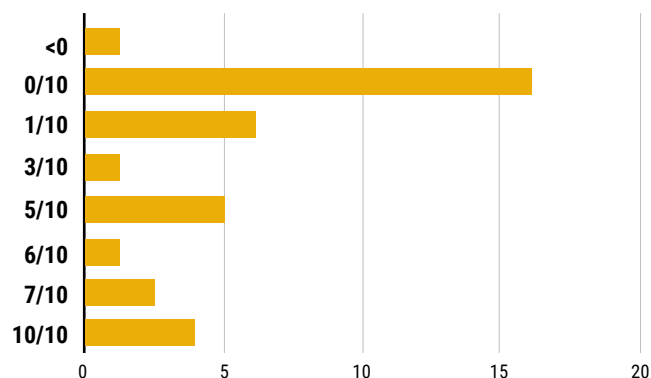
Zahle Prison



In Zahle prison, 77.2% answered 0/10 and 1/10, which is, similarly to Qubbah prison, the majority of participants gave the lowest two rates. One of the prisoners preferred not to answer. Another prisoner stated that “the food has a very bad smell, it is dirty and not clean”¹⁵ and three prisoners claimed that they saw insects inside the food.

Rating/10 - Food and Drinkable water

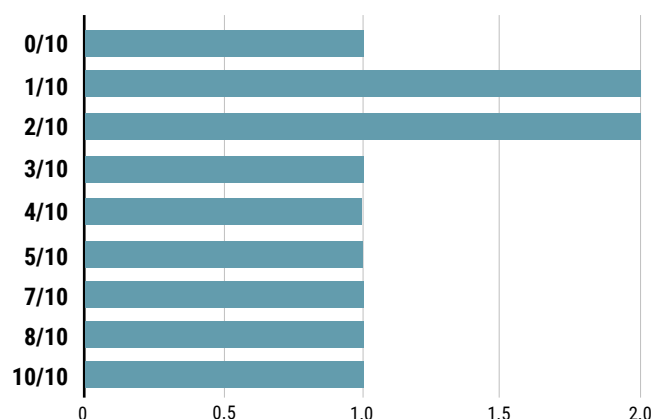
Baabda Prison



In Baabda prison, 65.7% answered <0, 0/10 and 1/10 which is also the majority of the participants.

As for the surveys conducted with juveniles in Dahr El Bachek, 72.7% (meaning 8 out of 11 respondents) answered between 0/10 and 5/10 to the same question.

Dahr El Bachek



In the juveniles department at the Central Prison Roumieh, all 6 respondents rated between 0/10 and 5/10 the food and drinkable water.



¹⁴ Tool 2, Surveys with women in Qubbah prison, 28 April 2022.

¹⁵ Tool 2, Surveys with women in Zahle prison, 26 April 2022.



Right to hygiene (and drinkable water)

"We are provided one shampoo bottle two times per year"¹⁶, this is what one of the prisoners in the Qubbah women's prison said. As for the prisoners in Baabda, many stated that sometimes they do not have water so they would have to wait for a couple of days to shower.¹⁷ When CLDH's team visited this prison, six prisoners were transported to the prison after having been taken to the hospital for medical examination. It turned out that they had scabies¹⁸.

On another note, Dar El Amal mentioned that "everything has become very expensive, especially the sanitary pads. The pads' prices are increasing daily."¹⁹

Rule 5 of the Bangkok Rules stipulates that "the accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating."²⁰

In this regard, one of the prisoners in Qubbah prison explained the following²¹:

- The water from the faucet had insects and the prisoners had to put their socks on the faucets to see that. The prison administration then added chlorine in the water tanks to clean the water, which caused many prisoners now to have allergies in their skins due to the chlorine in the water.
- The sanitary pads are not given to the prisoners who have family members providing money for them. These are exclusively distributed to the prisoners who have no money. The frequency of providing these is very low as some hygiene products are given once or twice per year only.

¹⁶ Tool 2, Surveys with women in Qubbah prison, 28 April 2022.

¹⁷ Tool 2, Surveys with women in Baabda prison, 21 April 2022.

¹⁸ Scabies is a skin disease that is closely related to the personal hygiene of each individual. This disease needs direct contact between each individual in order to spread the infection. However, it also can be transmitted through mattress, towels, clothing, and other personal items that are used interchangeably. - <https://media.neliti.com/media/publications/58728-the-relationship-between-hygienic-practi-8bf8c775.pdf>, consulted in May 2022.

¹⁹ Tool 1, KII 6, Dar El Amal, 10 March 2022, Tripoli.

²⁰ Rule 5, Bangkok Rules

²¹ Tool 2, Surveys with women in Qubbah prison, 28 April 2022

Rule 18 of the Mandela Rules states in its first paragraph that "prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness."²²

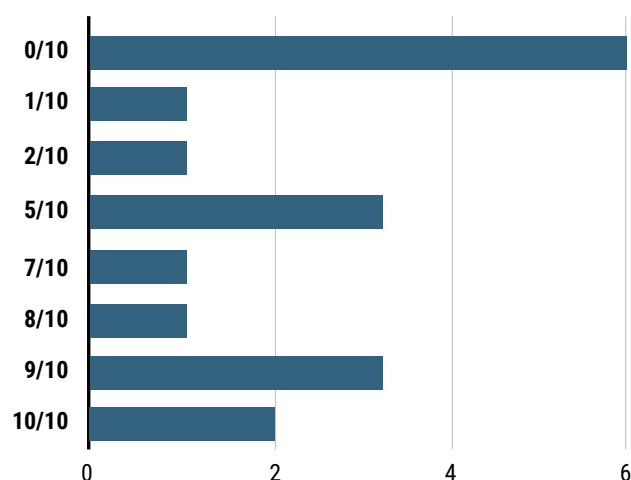
As for the Lebanese decree previously mentioned, article 111 states that "every prisoner has the right to a daily dose of twenty grams of soap for personal hygiene..."²³

Based on the observations made throughout CLDH's data collection tools described previously, rule 18 and article 111 are not respected in the women's prisons in Qubbah, Zahle and Baabda.

Nevertheless, it is important to note that most prisoners mentioned that they are "clean by themselves" but the lack of hygiene products and water makes it hard to maintain that. For this reason, many preferred to rate hygiene high rates as they were indicating their personal hygiene. Below are the rates prisoners gave for hygiene in prison. Each figure corresponds to a prison.

Rating/10 - Hygiene

Qubbah Prison



In Qubbah, 61.1% of the participants rated hygiene between 0/10 and 5/10. Some prisoners there mentioned that they had no clothes other than the ones they were wearing.²⁴ Rule 19 of the Mandela Rules regulates the clothing in prison: "every prisoner who is not allowed to wear his or her own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him or her in good health. Such clothing shall in no manner be degrading or humiliating."²⁵

²² Rule 18, paragraph 1, Nelson Mandela Rules.

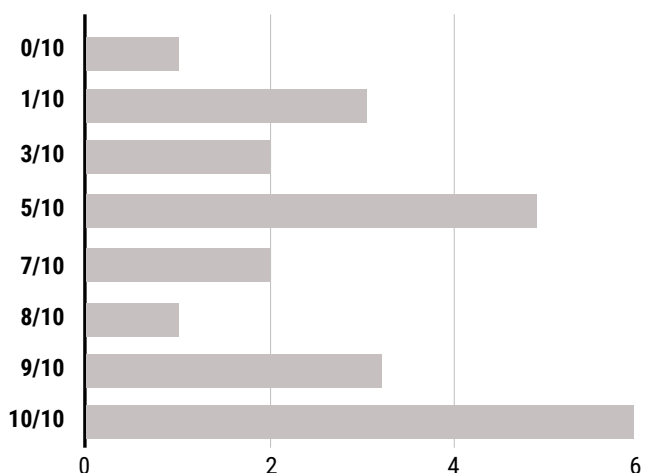
²³ Article 111, Lebanese Decree on the Organization of Prisons, Number 14310.

²⁴ Tool 2, Surveys with women in Qubbah prison, 28 April 2022.

²⁵ Rule 19, Nelson Mandela Rules.

Rating/10 - Hygiene

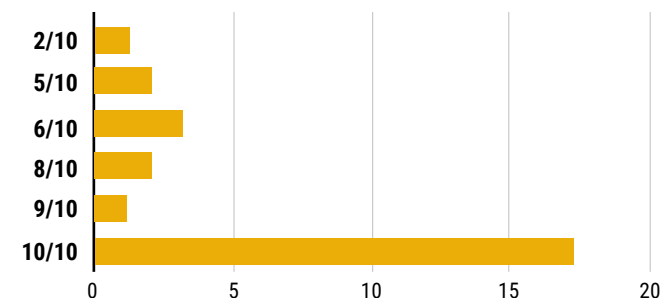
Zahle Prison



In Zahle, three prisoners stated that there are no detergents to use for cleaning and twelve (out of twenty three) explained that hygiene is manageable because it is the prisoners themselves who clean the prison.²⁶ Nevertheless, hygiene kits and products are not available or provided in very limited quantities, as observed by CLDH's members who visited women's prisons.

Rating/10 - Hygiene

Baabda Prison



In Baabda, seven out of thirty five participants mentioned the issue of the water stoppage. When the water is not provided, the prisoners cannot clean neither themselves nor the prison.²⁷

Hygiene does not seem to be an alarming issue in the detention centers of juveniles based on the limited specimen of surveys collected with juveniles as all respondents answered 10/10 to the question, except for one juvenile at the Central Roumieh Prison who rated it 7/10.



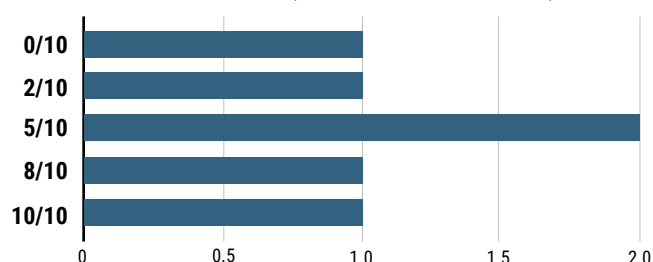
Right to ventilation, air and average temperature

Article 112 of the decree 14310 (previously mentioned) states that the prisons shall all be exposed to open air most of the time. CLDH's team saw that in Baabda prison and Zahle prison, there is not enough open air for prisoners. In both prisons, prisoners have one small room exposed to open air but cannot contain all prisoners, only a few of them. This is why article 112 is not respected in Baabda and Zahle prisons.

In all three prisons visited by CLDH, the situation in the prisoners' rooms is as follows: no conditioner or fans are available. Exceptionally, some fans are available but most of them are not working. In Qubbah prison, many prisoners explained that the prison administration cannot afford the maintenance of the fans.²⁸ Based on rule 13 of Mandela Rules, all accommodation provided for the use of prisoners shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.²⁹ This rule does not seem to be implemented in Qubbah, Zahle and Baabda women's prisons.

In the juveniles' building in Roumieh, CLDH's social worker mentioned that the overcrowding is alarming and this has a negative impact on the ventilation and air inside the building. Based on the surveys, 66% of the respondents (meaning 4 out of 6 respondents) rated ventilation between 0/10 and 5/10.

Central Roumieh Prison (Juveniles Department)



Additionally, an approximate of 91% of respondents to surveys in Dahr El Bachek rated hygiene between 0/10 and 3/10. Only 1 respondent rated it 8/10.

²⁶ Tool 2, Surveys with women in Zahle prison, 26 April 2022.

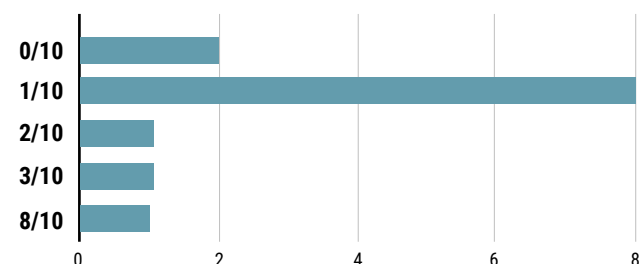
²⁷ Tool 2, Surveys with women in Baabda prison, 21 April 2022.

²⁴ Tool 2, Surveys with women in Qubbah prison, 28 April 2022.

²⁹ Rule 13, Nelson Mandela Rules.

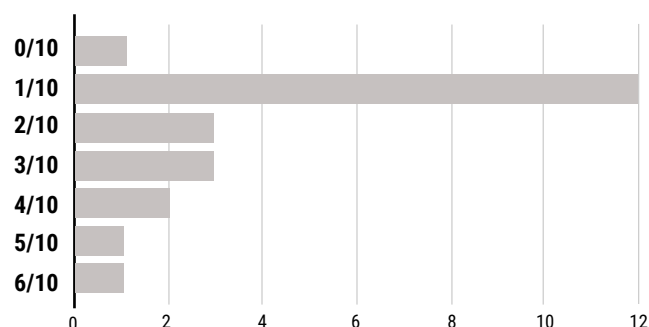
The graph below illustrates this fact.

Dahr El Bachek



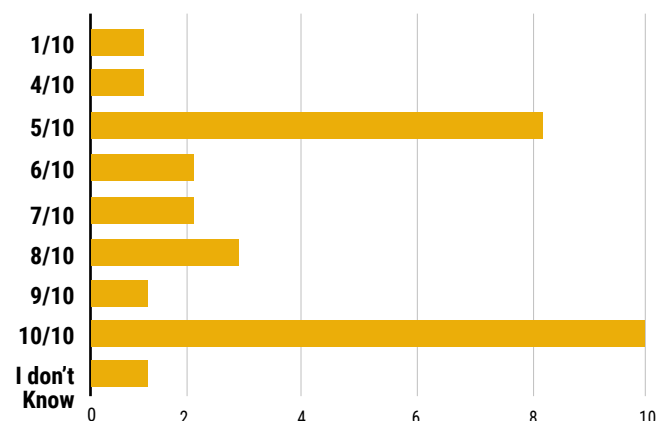
Rating/10 - Ventilation and Temperature

Zahle Prison



Rating/10 - Ventilation and Temperature

Baabda Prison



In Baabda prison, many prisoners explained that in summer it feels hot and in winter it feels cold as there are no equipment and no maintenance for the air conditioners.³⁰ Additionally, the overcrowding issue has been highlighted in this prison as some prisoners said that sometimes there are 22 persons in one single room, which makes it unbearable for them to breathe well.³¹

³⁰ Tool 2, Surveys with women in Baabda prison, 21 April 2022.

³¹ Ibid.



Right to health

Rule 24 of the Mandela rules stipulates:

1. The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.

2. Health-care services should be organized in close relationship to the general public health administration and in a way that ensures continuity of treatment and care, including for HIV, tuberculosis and other infectious diseases, as well as for drug dependence.³²

In addition to the Kyiv Declaration on Women's Health in Prison (2009)³³, the Bangkok Rules develop multiple rules on women's health in prison.



³² Rule 24, Nelson Mandela Rules.

³³ The government-recognized representatives of ministries concerned with health in prisons, the WHO Collaborating Centre in the Department of Health, United Kingdom, representatives of the United Nations Office on Drugs and Crime, the Quaker Council for European Affairs, the Quaker United Nations Office, the Sainsbury Centre for Mental Health, the AIDS Foundation East-West and other international organizations with expert knowledge of health in prisons throughout Europe and in the United States of America, note with concern that current arrangements in criminal justice systems for dealing with women offenders often fail to meet their basic and health needs and are therefore far short of what is required by human rights, by accepted international recommendations and by social justice. - This has been extracted from the Kyiv Declaration on Women's Health in Prison itself (2009).

The table below lists these:

Rule 6	Medical screening on entry
Rule 7	Diagnosis of sexual abuse or other forms of violence before or during detention
Rule 8	Medical confidentiality
Rule 9	If the woman is accompanied by a child, medical screening and health care for the child should be provided.
Rule 10	Gender-specific health care services and urgent medical intervention
Rule 11	Medical prison staff intervention with dignity and confidentiality
Rule 12	Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation program
Rule 14	HIV prevention, treatment, care and support
Rule 15	Substance abuse treatment program
Rule 16	Suicide and self-harm prevention
Rules 17-18	Preventive health care services



As for the Juveniles rules previously mentioned, health is covered under various rules, out of which the following rules:

Rule 21	Admission, registration and transfer / Paragraph e: to register details of known physical and mental health problems, including drug and alcohol abuse
Rule 28	Juveniles' classification based on physical and mental health
Rule 31	"Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity"
Rules 49-55	Medical care
Rules 56-58	Notification of illness or injury

Inspired by the rules stated, the right to health is studied through three angles:

- (a) physical health,
- (b) mental health
- (c) pregnancy.

a. Physical health

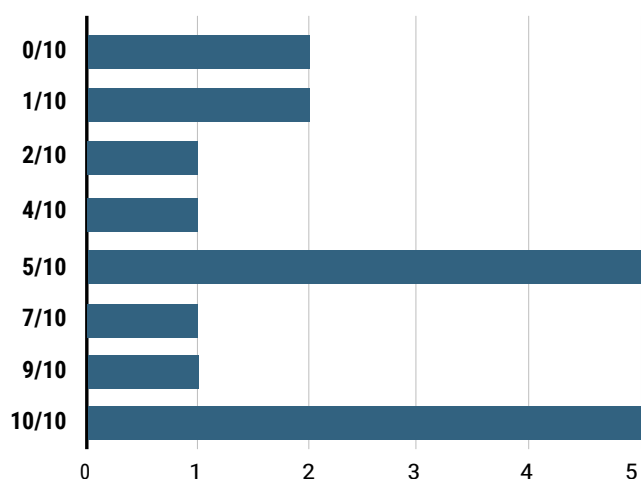
When asked to rate the medical care and follow-up, the women who participated in the surveys answered as follows:

In Qubbah prison, 55.5% rated it between 0/10 and 5/10 and the rest between 7/10 and 10/10 as per the below figures.³⁴ Moreover, one of the prisoners stated: "the medical follow-up is available but we do not have access to the medication, we need to get it ourselves". Other prisoners explained that basic medication is occasionally available (such as panadol), but other medications are not available. Similarly, specialized medical doctors are not present. For instance, one prisoner does not see well and needs an eye-doctor. No one checks up on her. Another prisoner has skin allergies and pain, also no one checks up on her or provides her with medication to treat her allergies.

³⁴ Tool 2, Surveys with women in Qubbah prison, 28 April 2022.

Rating/10 - Medical care and Follow-up

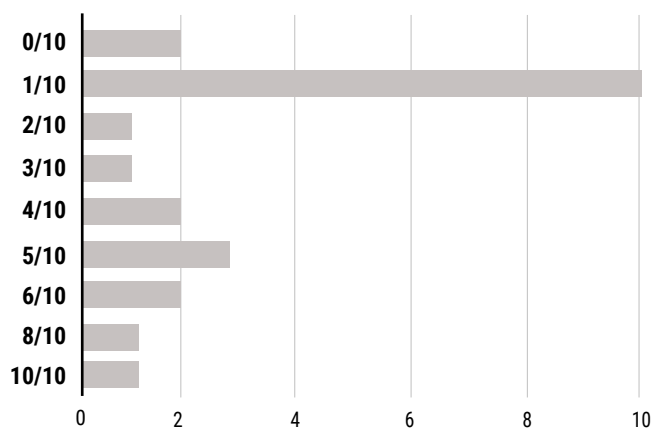
Qubbah Prison



In Zahle prison, 82.6% of the survey participants rated the medical care and follow-up in prison between 0/10 and 5/10.³⁵ Many prisoners explained that the medical intervention is very slow and that they are only provided with painkillers. Otherwise, they would have to ensure family members (outside prison) provide the necessary medication.

Rating/10 - Medical care and Follow-up

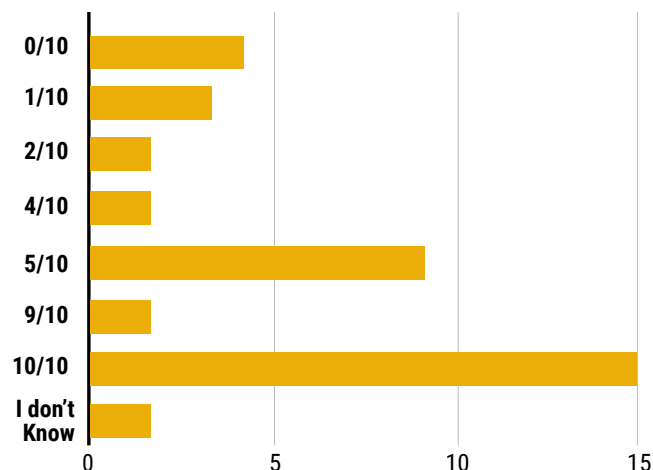
Zahle Prison



In Baabda prison, many prisoners claimed that there are delays in the medical service. One of them said: "we always get the same answer from the prison administration, which is "What can we do?""

Rating/10 - Medical care and Follow-up

Baabda Prison



"All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals."³⁶ This rule (27) of the Mandela rules is not implemented inside the Qubbah, Zahle and Baabda prisons for women for two reasons:

- There is no prompt intervention, but slow intervention and delays.
- There are no specialized treatments or institutions, only basic medications and painkillers.

Widad, lawyer at CLDH, explained that juveniles and adult prisoners in the Roumieh central prison all have the same medical center and medical doctors.³⁷ The medical center is at the juveniles' building. It is true that the prison guards make sure that no contacts are made between juveniles and adult prisoners. However, the fact that they are all examined medically in the same center at the same time can seem alarming. Me Widad mentioned that as per her observation throughout the past 5 years, juveniles' main medical needs revolve around skin allergies, such as scabies and eczema.³⁸

The medical doctors at the prison medical center all have agreements with the prison administration and the Ministry of Interior. No external medical doctor can examine prisoners. These doctors, as mentioned by Me Widad, are conducting any prison visits lately as their salaries are very low and they cannot cover their transportation fees.³⁹

³⁶ Rule 27, Nelson Mandela Rules.

³⁷ Tool 1, KII 4, Me Widad El Abed, the 1st of April 2022, Beirut.

³⁸ Ibid.

³⁹ Ibid.

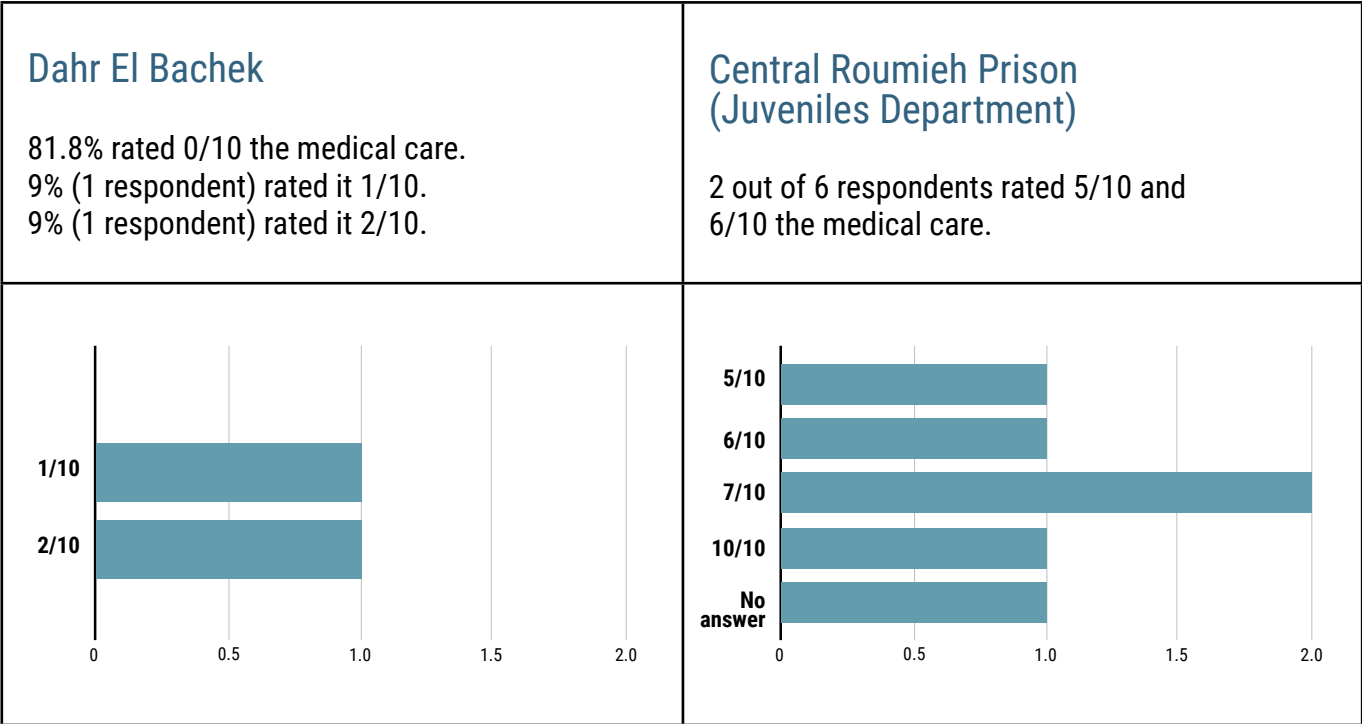
³⁵ Tool 2, Surveys with women in Zahle prison, 26 April 2022.

Rule 49 of the Juveniles Rules states the following:

“Every juvenile shall receive adequate medical care, both preventive and remedial, including dental, ophthalmological and mental health care, as well as pharmaceutical products and special diets as medically indicated. All such medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatization of the juvenile and promote self-respect and integration into the community.” ⁴⁰

Based on the previously mentioned observations, this rule is not implemented at the juveniles’ prison in Roumieh.

The situation of the medical care and follow up inside juveniles’ detention centers seems to be alarming based on the surveys collected.



⁴⁰ Rule 49, United Nations Rules for the Protection of Juveniles Deprived from Freedom.



b. Mental health

"The crises are highly affecting the prisons' conditions and the prisoners. The 'Télécarte' that prisoners had access to in order to stay in contact with their relatives are not working anymore, and this is affecting their psychological state, the situation is increasing stress and anxiety among the prisoners."⁴¹ This is how Dar El Amal described the impact of the country's crises on prisoners.

Mental health is at the core of international rules. The table below reveals the main relevant rules.

Rule 25	Mandela Rules	The health-care service shall consist of an interdisciplinary team with sufficient qualified personnel acting in full clinical independence and shall encompass sufficient expertise in psychology and psychiatry.
Rule 12	Bangkok Rules	Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes shall be made available for women prisoners with mental health-care needs in prison or in noncustodial settings.
Rule 13		Prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided appropriate support.

⁴¹ Tool 1, KII 6, Dar El Amal, 10 March 2022, Tripoli.

In April 2022, a prisoner of Syrian nationality hanged herself in the women's prison in Zahle, less than two months after she committed the crime of killing her husband. She hanged herself in the bathroom inside the prison. She had been accused of killing her husband and throwing him in a hole near their house in the upper Zahle region.⁴²

When CLDH's team visited Qubbah, Zahle and Baabda prisons, they realized that the majority of prisoners said they needed psychosocial support. For instance, one woman in Baabda prison mentioned that she knows that her skin problems and physical pain are caused by psychological tiredness that she has.⁴³

Dr. Joanna who is a psychotherapist, said during her interview:

"Women go through abuse. Once they are arrested, they are abused physically and psychologically. For example, when they get examined by a medical doctor, they also go through moral abuse. They are not treated as human beings. In the scope of my prison interventions, I realized that women prisoners are abused by not having adequate, legal and fair access to health services."⁴⁴

As for the juveniles' prison in Roumieh, CLDH's social worker made the following observations:

- There is no private room for any service provider to be able to meet with the prisoner without interruptions. The social worker had no confidentiality when interacting with one of the juvenile prisoners.
- There is a dependency on non-governmental organizations to the extent that the prison administration does not provide any psychosocial service.

Based on the surveys, educational and social activities are implemented by organizations in Dahr El Bcachek (as answered by 10 out of the 11 survey respondents); and educational and physical activities are implemented in the Central Roumieh Prison (as answered by all 6 survey respondents).

"There is a total absence of the State in this area and a total dependence on civil society's members."⁴⁵ This dependency does not only exist in juveniles' prisons only, but in women's prisons too.

For instance, Fondation Père Afif Osseiran - Le Foyer de la Providence provide psychological follow-up at the juveniles' prison in Roumieh, and Mouvement Social provide vocational training.

⁴² "Lebanon... Suicide of a Syrian prisoner accused of killing her husband", <https://www.tellerreport.com/life/2022-04-22-lebanon-suicide-of-a-syrian-prisoner-accused-of-killing-her-husband.rktX-4jgHq.html>, published on 23 April 2022, consulted in May 2022.

⁴³ Tool 2, Surveys with women in Baabda prison, 21 April 2022.

⁴⁴ Tool 1, KII 1, Dr. Joanna Imad, 21 March 2022, conducted remotely

⁴⁵ Tool 1, KII 6, Dar El Amal, 10 March 2022, Tripoli.

As for the women's prison, Dar El Amal provides rehabilitation and educational programs to help prisoners get reintegrated into society after their release. Rehabilitation is necessary for prisoners' reintegration into society.

"I want to see the sun!" These were the daily repeated words of a former prisoner in Qubbah women's prison, based on Dar El Amal's sayings. The organization explained that when this woman was released, she had no place and no shelter to go to. She met with a former prisoner and died on the same day of her release due to a drug overdose.⁴⁶ Dar El Amal explained that the lack of psychosocial rehabilitation in prison causes recidivism as released women do not find paths to take other than the criminality path.

It is the prison administration's duty to ensure prisoners are getting the psychosocial support they need as this is part of their right to health and specifically, their mental health.

"The juveniles' prison in Lebanon is not equipped enough and does not meet the conditions mentioned in international standards. However, the main issue is not inside prison, but inside the juveniles themselves when they are in prison."⁴⁷ This is how Judge Joelle Abou Haidar, Mount Lebanon Juveniles Judge, explained the situation of juveniles in prisons in Lebanon.

The expression "inside the juveniles themselves" could be interpreted as the internal wellbeing of juveniles including their mental state, thus their mental health. Judge Joelle elaborated her idea by giving an example:

"Once imprisoned, the juvenile present themselves as their criminal act. As a judge, when I visit the juveniles' prison, I ask them: 'Who are you?' They would answer: 'Article 666 Penal Code'. As a judge, I try to explain to them this: 'You are not your criminal act, you are beautiful, what you did is ugly, but you are not yourself ugly'.⁴⁸

There are multiple types of activities that could be implemented inside the prisons of women and juveniles, to help them get rehabilitated, to enhance their mental wellbeing and to get them reintegrated into society post-release.

As an example, below is a figure of one of the handiwork activities that Dar El Amal conducts with women imprisoned in Qubbah prison. These are crafted by prisoners themselves.



c. Pregnancy

Rule 28 of the Mandela rules states: "in women's prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the prison. If a child is born in prison, this fact shall not be mentioned in the birth certificate."⁴⁹

In 2015, CLDH's lawyer, Me Hasna Abdul Reda, was defending a woman who gave birth during her prison sentence. After giving birth at Al Hayat hospital, the hospital's administration asked the mother to present a marriage certificate and a copy of her husband's identity card in order to grant the child a birth certificate. Feeling pressured and worried about social norms, the mother gave false information regarding the identity of the father. Based on articles 604 and 579 of the Lebanese Penal Code, Me Hasna, asked the judge to oblige the hospital to issue a birth certificate to the newborn under the name of the mother, as this was perceived as an urgent action to guarantee the newborn's right to have an identity. The court issued a decision in that matter, calling on the hospital to issue a birth certificate for the newborn under the name of the mother.⁵⁰

"Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers."⁵¹ The situation in women's prisons does not seem to be derogating this rule (48) of the Bangkok rules, based on CLDH's observations during the prison visits in Qubbah, Baabda and Zahle.

Rule 29 of the Mandela rules targets "the best interests of the child concerned". It allows children to remain with their mother and concludes in its second paragraph: "Children in prison with a parent shall never be treated as prisoners."⁵² This rule aligns with article 80

⁴⁶ Tool 1, KII 6, Dar El Amal, 10 March 2022, Tripoli.

⁴⁷ Tool 1, KII 3, Judge Joelle Abou Haidar, the 1st of April 2022, Baabda Justice Palace.

⁴⁸ Ibid

⁴⁹ Rule 28, Nelson Mandela Rules.

⁵⁰ Tool 1, KII 4, Me Hasna Abdul Reda, the 1st of April 2022, Beirut.

⁵¹ Rule 48, Bangkok Rules.

⁵² Rule 29, Nelson Mandela Rules.

of the Lebanese decree on the organization of prisons mentioned previously, and with CLDH's findings during the implementation of the data collection tools of this research, as explained in some prisoners' sayings below

Prisoner in Qubbah	"Yes, I was pregnant when I was arrested. I gave birth in the hospital. My child is now 1 year and 10 months old. When he reaches 2 years, he will be removed and cannot stay with me in prison as he is now. I will be leaving prison in a month, which is something I am grateful for." ⁵³
Prisoners in Baabda	- "Yes, I was pregnant and it was very good. After 38 days, I decided to let the baby be taken out of the prison." ⁵⁴ - "I have seen 4 women pregnant here, they gave birth in the hospital and their babies were sent away to their family after some time." ⁵⁵
Prisoner in Zahle	"I knew a woman who was pregnant and gave birth while she was sentenced. When she gave birth they took her to the hospital. The child stayed for 8 months with her. Then she got released." ⁵⁶

Similarly, Dar El Amal explained that ever since the organization has been operating in Qubbah women's prison, the organization has encountered 8 pregnant women. They had access to medical care and gave birth at the hospital. The mother is allowed to have her child with her until they are 2 years old (unless she gave birth before coming to prison), and she is allowed to breastfeed in prison and other prisoners are asked to help her in taking care of the newborn. The medical center provides extra medical care to all pregnant women. ⁵⁷

On the contrary, Dr. Joanna believes that the motherhood role is not played in prison. She elaborated with the following words:

"Sometimes, prison rooms are not child friendly and this does not encourage the mother to leave her child with her. Once the child has to leave, the exit plan is a problem. The rehabilitation and reintegration process is not completed. The mother is going to be punished because she will not be perceived as a mother before being perceived as the crime she committed. Also, her role as a mom will be interrupted." ⁵⁸

Based on Dr. Joanna's observations, the duration of 2 years stated bylaw, in reality, is not being respected. ⁵⁹

Mouvement Social explained, in regards to pregnancy, that the State does not provide any service to pregnant women. The organization itself provides medication, milk, diapers, and more nutritional essentials for the child if the mother is not able to breastfeed. ⁶⁰

Judge Bassem Takiyidin added a legal explanation for pregnant women in prison by stating: "based on international standards, pregnant women could be arrested but should not complete their sentences when convicted (only if they are pregnant when arrested)" ⁶¹. Judge Bassem mentioned the importance of adding articles in the Lebanese law that regulate pregnancy in prison or upon arrest.

After having developed an overview of the provisions and violations of the basic rights of juveniles and women in prison, it is essential to cover other human rights with the same approach.



⁵³ Tool 2, Surveys with women in Qubbah prison, 28 April 2022.

⁵⁴ Tool 2, Surveys with women in Zahle prison, 26 April 2022.

⁵⁵ Ibid

⁵⁶ Tool 2, Surveys with women in Baabda prison, 21 April 2022.

⁵⁷ Tool 1, KII 6, Dar El Amal, 10 March 2022, Tripoli.

⁵⁸ 58 Tool 1, KII 1, Dr. Joanna Imad, 21 March 2022, conducted remotely.

⁵⁹ Ibid

⁶⁰ Tool 1, KII 7, Mouvement Social, 31 March 2022, Badaro, Mouvement Social Offices.

⁶¹ Tool 1, KII 2, Judge Bassem Takiyidin, 25 March 2022, Beirut.

PART II

PROVISIONS AND VIOLATIONS OF OTHER HUMAN RIGHTS

In this part of the research report, CLDH highlights other human rights observed in prisons:



Right not to be subjected to torture or ill-treatment



Right to equality (right not to be discriminated against)



Right to legal aid including fair and speedy trial



Right to be separated and classified



Right not to be subjected to torture or ill-treatment

"I used to hear some sounds in my head, because of the sound of military aircrafts back in Syria during the war. I had a medical prescription for it. I was arrested because I had not renewed my legal residency in Lebanon. I had medication with me. The ones who arrested me took it away from me. They stripped me from my clothes and blind-folded me. I did not know where I was. I was beaten, my head got injured. Due to the lack of medication, I kept feeling sick."⁶² This is how Nabila (fake name), a Syrian woman who was imprisoned in Lebanon, explained how she got arrested in 2017.

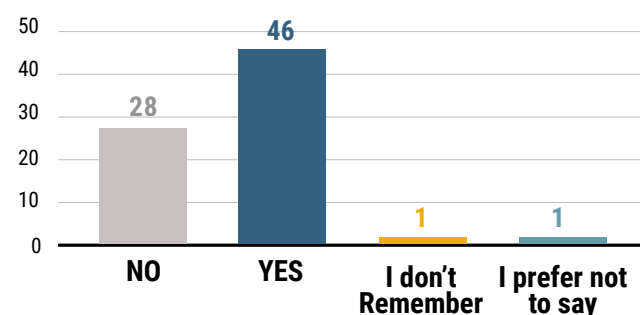
The Mandela Rules are all-based on an international obligation to treat all prisoners with respect for their inherent dignity and value as human beings, and to prohibit torture and other forms of ill-treatment.

In other words, the Mandela rules integrate the prohibition of torture and ill-treatment, which is detailed in the Convention Against Torture (effective as of 1987). Domestically, the Lebanese Law Number 65/2017 prohibits the use of torture and ill-treatment. However, this law has many discrepancies and flaws that prevent having it applicable in the scope of prisons. It only targets explicitly the use of torture for the extraction of a confession or similar goals. After some data analysis addressed below, a further elaboration on the legal instruments is developed.

For this reason, when collecting surveys with women prisoners, CLDH's researchers were addressing the following question: "Were you ever subjected to any kind of physical or moral violence during interrogation with police officers or in detention centers?"

In the total of the three prisons (Qubbah, Baabda and Zahle), 60.5% answered "yes", meaning 46 out of 76 participants, and 36.8% answered "no", meaning 28 out of 76 participants. The figure below reveals these statistics. What seemed alarming was that one of the prisoners answered "I do not remember" and another one said "prefer not to say". Both allegations could reveal that torture was inflicted against them but they are afraid of mentioning it, or they have forgotten it as an unconscious defense mechanism.

"Were you ever subjected to any kind of physical or moral violence during interrogation with police officers or in detention centers?"



⁶² Tool 3, In-depth interview, testimony of "Nabila" (fake name), a Syrian woman formerly imprisoned in Lebanon, interview conducted remotely on May 17, 2022.

Concerning the use of torture against juveniles, Mouvement Social added: “In Roumieh, we have seen some sort of torture during interrogations, since juveniles are more vulnerable than adults and cannot act on their own. We, as an organization, do not have the tools to do anything but to report to the one responsible at the Center for Juveniles’ Interest (“Maslahet El Ahdes”) because we do not have proof for what happened.”⁶³

Dar El Amal said that they have never encountered cases of torture inside the prison, but sometimes women report to the organization that they were tortured in detention centers during the interrogations phase.⁶⁴

According to Dr. Joanna, women accused of sex work are perceived as drug users as well. They are subjected to sexual torture during interrogation. One of them once said to Dr. Joanna: “I had sex with the investigator because he promised my release”. Dr. Joanna also emphasized on the normalization of the use of torture and the cultural background’s role in how torture is perceived.⁶⁵

The Mandela rules 7 and 30 regulate the use of torture by respectively requiring:

- Adding to the prisoner’s file upon admission, “any visible injuries and complaints about past prior ill-treatment”⁶⁶ (Rule 7);
- And having a physician or other qualified health-care professional examine the prisoner and pay attention to “identifying any ill-treatment that arriving prisoners may have been subjected to prior to admission” (Rule 30)⁶⁷.

As for the Convention Against Torture, the first paragraph of the first article states:

“For the purposes of this Convention, the term ‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person...”

The expression “punishing him for an act he has committed” reveals that torture inflicted during imprisonment is prohibited in this convention, unlike in the Lebanese Law Number 65/2017 which prohibits torture exclusively when inflicted during interrogations.

On another note, the international definition of “ill-treatment” includes torture and other methods of abuse prohibited by international law, including inhumane, cruel, humiliating, and degrading treatment, outrages upon personal dignity and physical or moral coercion.⁶⁸ Therefore, ill-treatment can be considered inflicted when the prisoner is imprisoned in any of the inhumane conditions stated in this definition.

This research reveals that many of the prisoners’ rights are violated and not respected. For this reason, prisoners have their dignity not respected based on many factors including the violation of their basic rights explained previously.



⁶³ Tool 1, KII 7, Mouvement Social, 31 March 2022, Badaro, Mouvement Social Offices.

⁶⁴ Tool 1, KII 6, Dar El Amal, 10 March 2022, Tripoli.

⁶⁵ Tool 1, KII 1, Dr. Joanna Imad, 21 March 2022, conducted remotely.

⁶⁶ Rule 7, Mandela Rules.

⁶⁷ Rule 30, Mandela Rules.

⁶⁸ ICRC, “What is the definition of ill-treatment?”, [https://www.icrc.org/en/doc/resources/documents/faq/69mjxc.htm#:~:text=The%20ICRC%20uses%20the%20broad,and%20physical%20or%20moral%20coercion,consulted on 27 May 2022.](https://www.icrc.org/en/doc/resources/documents/faq/69mjxc.htm#:~:text=The%20ICRC%20uses%20the%20broad,and%20physical%20or%20moral%20coercion,consulted%20on%2027%20May%202022.)

Furthermore, many prisoners described to CLDH during the visits of women's prisons, the acts of torture that were inflicted against them. Out of these, this report mentions four.

Prisoner (1) Migrant worker, arrested in 2010	"I was stripped naked (sexual violence) and physically beaten. I do not understand Arabic and I could not understand their words. No one gave me food. I had spent 10 years without having my period. They hit me on my back so hard that my period came back and I bled." ⁶⁹
Prisoner (2) Migrant worker, arrested in 2018	"They hit me on my ear. Until today, I cannot hear with that ear. I still have scars from the metal that was used to beat me on my hands and feet." ⁷⁰
Prisoner (3) Migrant worker, arrested in 2021	"They beat me a lot. I do not speak Arabic. They do not speak English. I signed papers, they said they would release me if I signed. I told them I just want to sleep here because I have no place to stay, and the next day I would go to the embassy. I was not released. I was taken to another detention center and today I am here." ⁷¹
Prisoner (4) Accused of prostitution, arrested in 2021	"I was arrested after 12 am, beaten, electrified, tortured. They took me from the room where cameras were set, and took me to another room with no cameras. Seven officers were torturing me." ⁷²



Right to equality (right not to be discriminated against)

"The Lebanese people are discriminators and racists. But discrimination against Syrians is notable compared to people from other nationalities."⁷³ This is how Judge Bassem, Beirut Criminal Court Judge, evaluated discrimination in courts.

Also, migrant workers and Syrian refugees are discriminated against in the detention centers and the justice palaces, as confirmed by Me Hasna and Me Widad.⁷⁴ According to the two lawyers, discrimination is revealed through the treatment: migrant workers or other persons of low income, when arrested, play the role of maids as they clean in the detention centers and prisons. As for juveniles, discrimination occurs only based on the accusation of terrorism. Those accused of terrorism are perceived negatively by both other prisoners and the prison personnel.⁷⁵

Discrimination was highlighted in this research under three components:

Communication

Visits

Access to
basic rights

Communication

In regards to communication, Dr. Joanna states:

"When we talk about prison life itself, women do not have access to their rights and we encounter injustice among women. Some of them do not have access to communication, since many of them are not Lebanese. These do not have a translator. The least thing is to give them access to communication!"⁷⁶

Discrimination was observed through the lack of communication between prisoners and the prison personnel (a) as well as between prisoners themselves (b).

⁶⁹ Tool 2, Surveys with women in prisons. The prison is not determined to ensure the identity of the victim of torture remains unrevealed, abiding by the Do No Harm principle.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Tool 1, KII 2, Judge Bassem Takiyidin, 25 March 2022, Beirut.

⁷⁴ Tool 1, KII 4, Me Hasna Abdul Reda and Me Widad El Abed, the 1st of April 2022, Beirut.

⁷⁵ Ibid

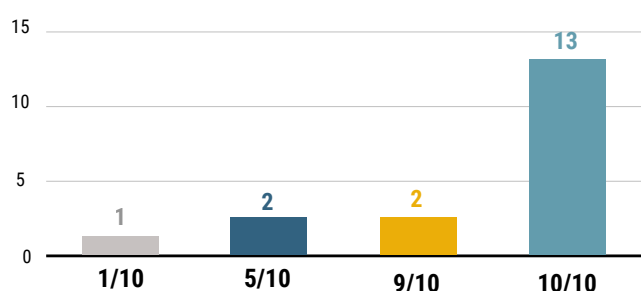
⁷⁶ Tool 1, KII 1, Dr. Joanna Imad, 21 March 2022, conducted remotely.

a. Prisoners / Prison Personnel

Communication between prisoners and the prison personnel gets challenging, especially when prisoners do not speak Arabic and the prison personnel speak only Arabic.

All prisoners who rated the treatment of the prison personnel between 0/10 and 5/10 in Qubbah prison are non-Lebanese. Their nationalities are Bangladeshis and Sierra Leoneans.

Rating/10 - Medical care and Follow-up
Qubbah Prison



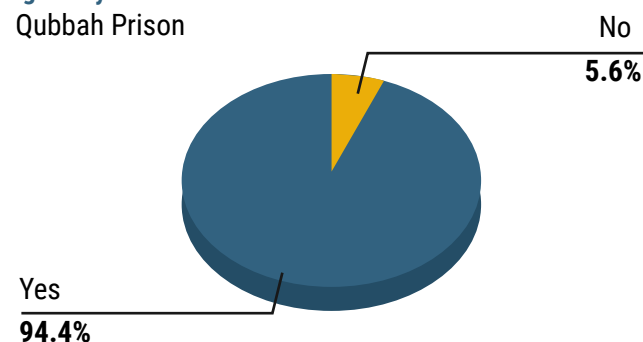
2 women prisoners in Qubbah Prison said that they fear the prison personnel, and 1 mentioned that she fears some of them. All of these 3 women are non-Lebanese: 2 are from Sierra Leone and 1 from Syria.

3 women prisoners in Qubbah Prison said that they do not trust that the prison personnel want what is best for them. All 3 women are non-Lebanese: 2 are from Sierra Leone and 1 from Syria.

However, only 1 prisoner answered "yes" to whether they believed the prison personnel discriminate against them or not. This prisoner is from Sierra Leone. This leaves CLDH with one question: how come multiple data show that non-Lebanese prisoners are treated differently from Lebanese ones, but non-Lebanese prisoners do not state the fact of being discriminated against? This could be explained by some possible fear of the prison personnel, preventing non-Lebanese prisoners from answering "yes" to whether they are discriminated against or not.

"Do you believe that the prison personnel discriminate against you?"

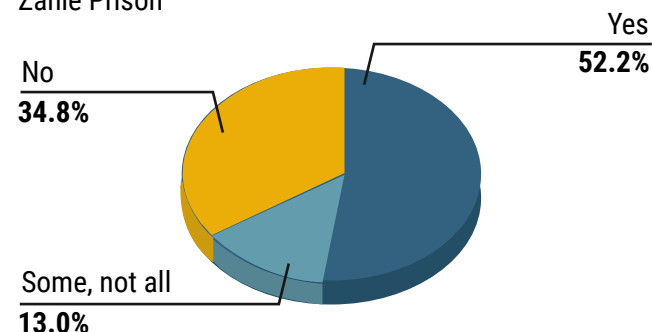
Qubbah Prison



In Zahle women's prison, 52.2% (12 out of 23 participants) said they fear the prison personnel. 8 out of these 12 are non-Lebanese.

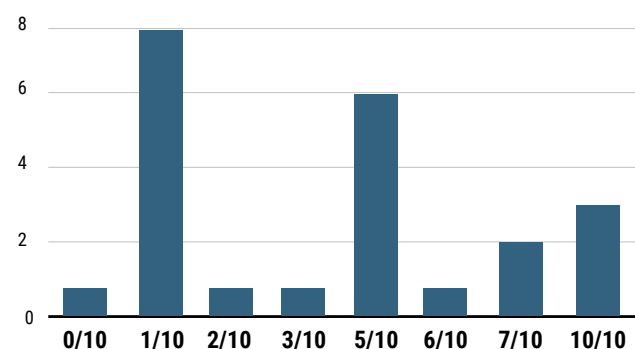
"Do you fear the prison personnel?"

Zahle Prison



14 of the 23 participants in Zahle women's prison rated the prison personnel treatment between 0/10 and 5/10. 9 out of these 14 are non-Lebanese.

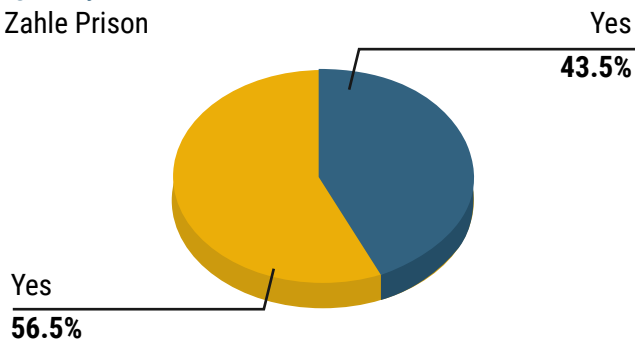
Rating/10 - Prison Personnel Treatment
Qubbah Prison



When asked if the prison personnel discriminate against them, 43.5% (10 out of 23 participants) answered "yes". 7 out of these 10 are non-Lebanese.

"Do you believe that the prison personnel discriminate against you?"

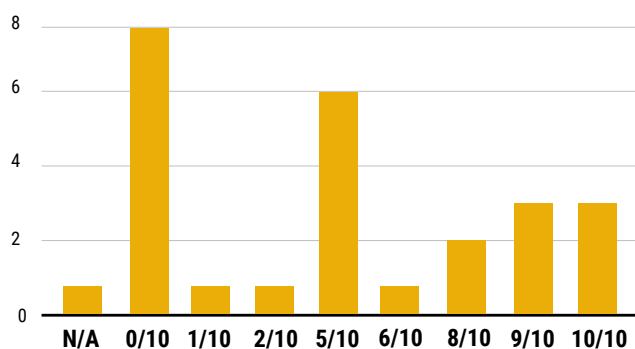
Zahle Prison



In Baabda women's prison, 31.4% (11 out of 35 participants) rated between 0/10 and 5/10 the treatment of the prison personnel. 9 out of these 11 are non-Lebanese. 1 prisoner said that this is not applicable as they have not seen the prison personnel ever since they came in.

Rating/10 - Prison Personnel Treatment

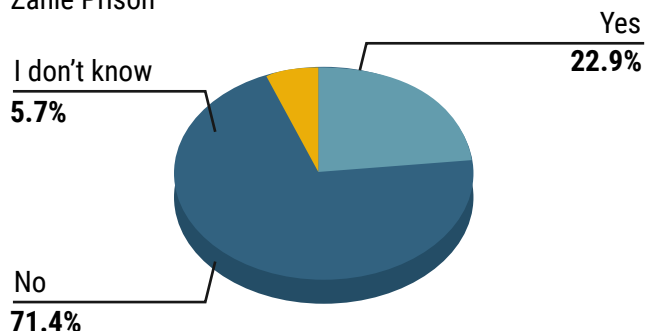
Baabda Prison



When asked if the prison personnel discriminates against them, 22.9% (8 out of 35 participants) answered "yes". 5 out of these 8 are non-Lebanese.

"Do you believe that the prison personnel discriminate against you?"

Zahle Prison

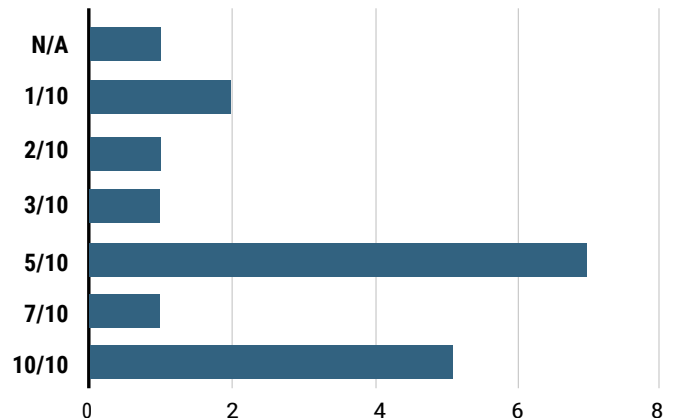


b. Prisoners / Prisoners

All prisoners who rated their relationship with other prisoners from 0/10 until 5/10 are non-Lebanese, except for 1 who is Lebanese. "I do not communicate with anyone" was the answer given by a prisoner who answered "not applicable".

Rating/10 - Prison Personnel Treatment

Qubbah Prison



In Zahle women's prison, the relationship between prisoners is observed as follows:

43.4% (10 out of 23 participants) rated this relationship between 0/10 and 5/10. 4 out of these 10 are non-Lebanese.

Rating/10 - Prison Personnel Treatment

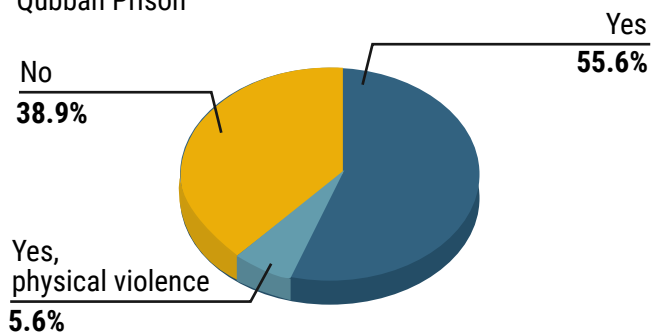
Zahle Prison



In all three prisons, prisoners agreed that there is no physical violence occurring between them, but moral violence and verbal violence (with words). The three figures below illustrate that.

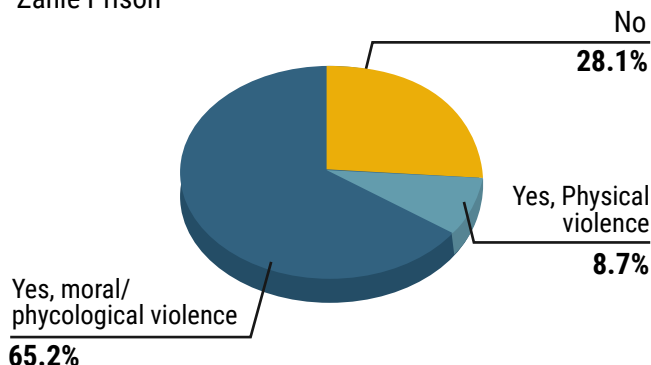
"Do you see violence happen between prisoners?"

Qubbah Prison



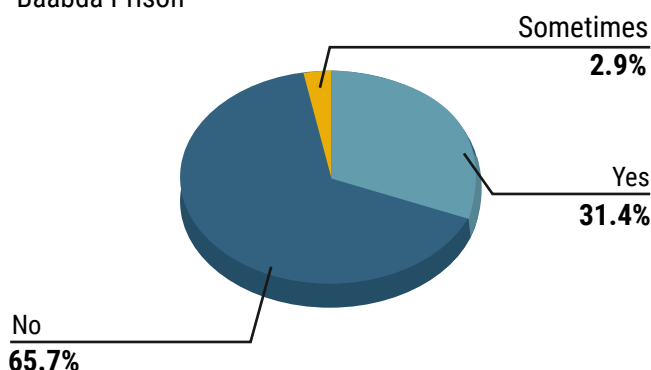
"Do you see violence happen between prisoners?"

Zahle Prison



"Do you see violence happen between prisoners?"

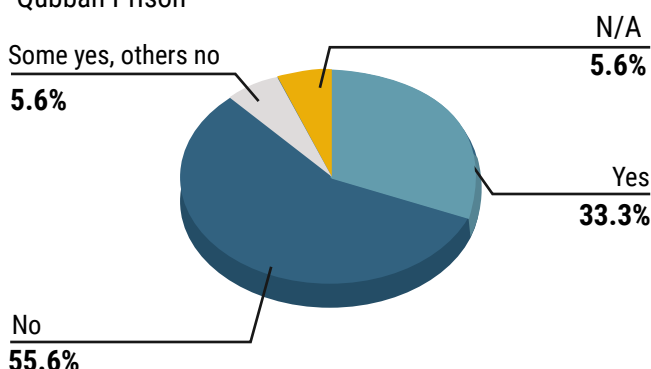
Baabda Prison



During the visit to the Qubbah prison, CLDH realized that migrant workers live in the same room and have no contact with other prisoners. In the chart below, "N/A" (not applicable) was the answer of a prisoner who said: "I live with migrants only in my room."

"Do you see violence happen between prisoners?"

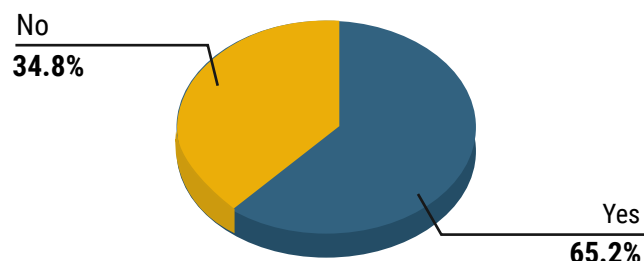
Qubbah Prison



In Zahle women's prison, 65.2% (15 out of 23 participants) said they see discrimination happen between prisoners. 8 out of the 15 are non-Lebanese. In Baabda women's prison, 37.1% (13 out of 35 participants) said that. 10 out of the 13 are non-Lebanese.

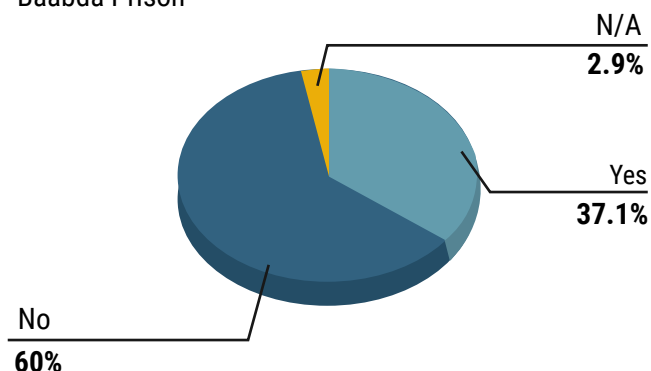
"Do you see violence happen between prisoners?"

Qubbah Prison



"Do you see violence happen between prisoners?"

Baabda Prison



Also, Dr. Joanna and Me Widad both explained that discrimination occurs based on the crime prisoners are accused of as certain crimes are considered shameful. Dr. Joanna gave the example of women accused of prostitution⁷⁷ and Me Widad gave the example of the juveniles accused of terrorism⁷⁸.

⁷⁷ Tool 1, KII 1, Dr. Joanna Imad, 21 March 2022, conducted remotely.

⁷⁸ Tool 1, KII 4, Me Widad El Abed, the 1st of April 2022, Beirut.

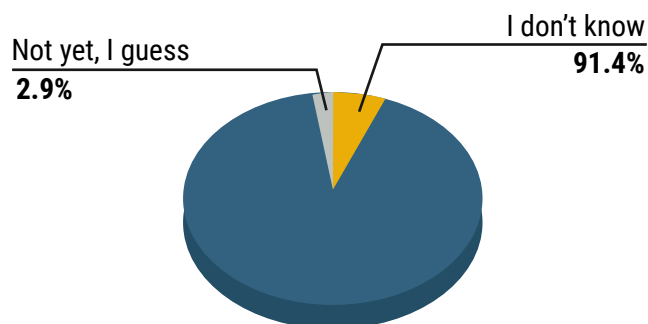
Visits

All women prisoners in Qubbah prison agreed that they were allowed to have family visits three times per week. One prisoner noted that they are not allowed to have friends visit them, only relatives.

All women prisoners in Zahle prison agreed that they were allowed to have family visits two times per week. In Baabda women's prison, two prisoners answered "I do not know" to whether they are allowed to have family visits or not, and one prisoner said "not yet, I guess". These three prisoners are all non-Lebanese.

Are you allowed to have family visits?

Baabda Prison



In all three prisons, those who do not have anyone outside prison are not able to see anyone. For instance, migrant workers spend years and years without having anyone come to see them.

In this regard, Dr. Joanna explained that during the pandemic of Covid-19, the visits were not allowed and this affected prisoners' mental health and the flow of their daily lives.⁷⁹



Access to basic rights

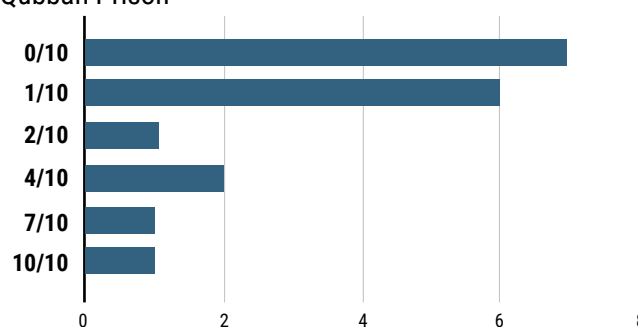
When analyzing the data collected through this research, CLDH was able to extract some conclusions. Non-Lebanese prisoners have less/no access to their basic needs.

The data revealing that the most was the one based on tool 2, surveys with women prisoners in Qubbah.

In Qubbah prison, all those who rated food and drinkable water 0/10 are non-Lebanese.

Rating/10 - Food and Drinkable water

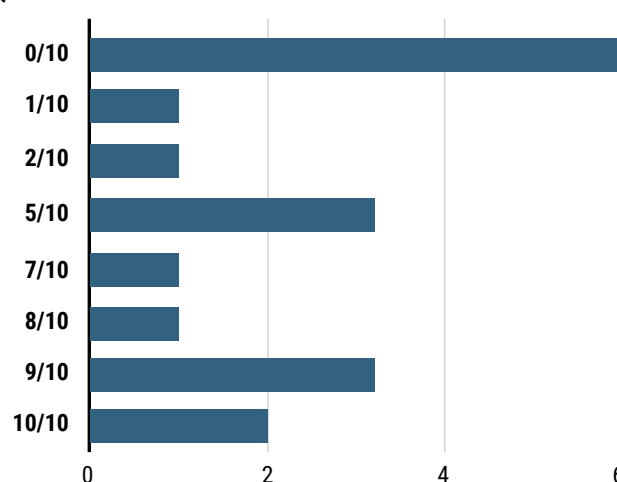
Qubbah Prison



As for hygiene in that prison, 5 out of 6 of those who rated it 0/10 are non-Lebanese.

Rating/10 - Hygiene

Qubbah Prison

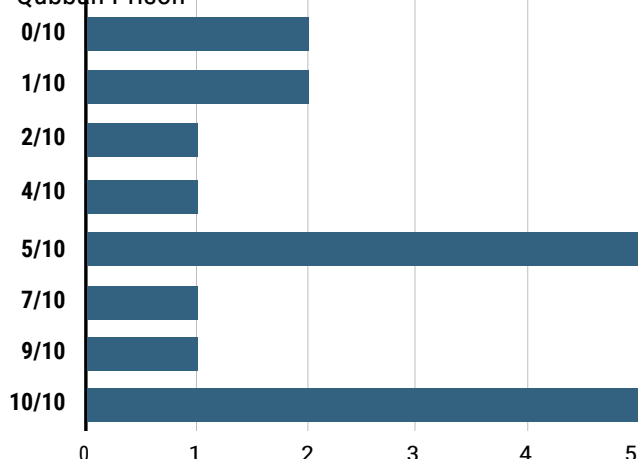


Concerning the medical care and follow-up, all prisoners who rated it between 0/10 and 4/10 are non-Lebanese.

⁷⁹ Tool 1, KII 1, Dr. Joanna Imad, 21 March 2022, conducted remotely.

Rating/10 - Medical care and Follow-up

Qubbah Prison

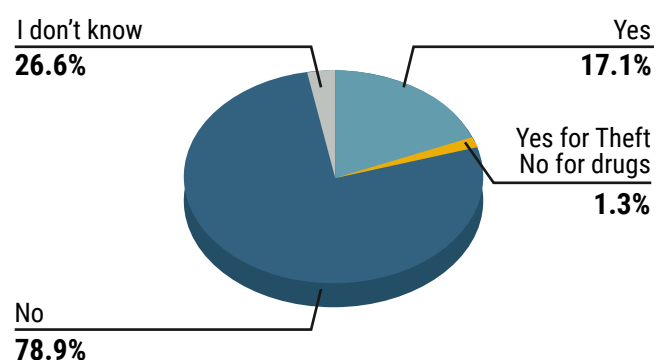


Right to legal aid and right not be arbitrarily detained

In Baabda, Zahle and Qubbah prisons, 78.9% (62 prisoners) out of the ones who participated in the surveys (76 prisoners), have not been sentenced yet. Every person has the right to a fair and speedy trial and the right to legal aid. Judge Bassem answered “yes” to whether they believe there are more unsentenced women in prisons than sentenced ones.⁸⁰

Have you been sentenced?

3 Prisons



On one note, arbitrary detention occurs “when an individual is arrested and detained by a government without due process and without the legal protections of a fair trial, or when an individual is detained without any legal basis for the deprivation of liberty.”⁸¹

The 62 prisoners who were not sentenced yet, have been arrested in the years appearing in the chart below.



In one of the reports shared by ALEF (human rights organization in Lebanon), it is mentioned that:

“The principles shaping fair trial are the very rejection of arbitrary procedures and unfair processes that eradicate the notions of freedom and justice. These principles are preserved by a wide array of international agreements and conventions that apply to citizens as well as the state. The most significant of which are the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), both of which the state of Lebanon has ratified and subsequently reflected in its laws.”⁸²

On another note, article 108 (as amended by the Act of 26 June 2010) of the Lebanese criminal procedure states:

“With the exception of a person previously sentenced to at least one year’s imprisonment, the period of detention for a misdemeanor **may not exceed two months**. This period may be extended by, at a maximum, a similar period where urgently necessary.

With the exception of homicide, felonies involving drugs and endangerment of state security, felonies entailing extreme danger and crimes of terrorism, and with the exception of persons with a previous criminal conviction, the period of custody **may not exceed six months for a felony**. This period of custody may be renewed once on the basis of a reasoned decision.

The Investigating Judge may decide to prevent the defendant from traveling for a period not exceeding two months for a misdemeanor and a year for a felony from the date of being released or left at liberty.”⁸³

⁸⁰ Tool 1, KII 2, Judge Bassem Takiyidin, 25 March 2022, Beirut.

⁸¹ The Center for Justice and Accountability, <https://cja.org/human-rights-issues/arbitrary-detention/>, consulted in May 2022.

⁸² ALEF, “The Right to Fair Trial in Lebanon, A Position Paper on Guarantees during Arrest and Investigation”, available at https://alefliban.org/wp-content/uploads/2016/10/PP1_v02_print.pdf, consulted in May 2022.

The Center for Justice and Accountability, <https://cja.org/human-rights-issues/arbitrary-detention/>, consulted in May 2022.

⁸³ Article 108, the Lebanese Criminal Procedure.

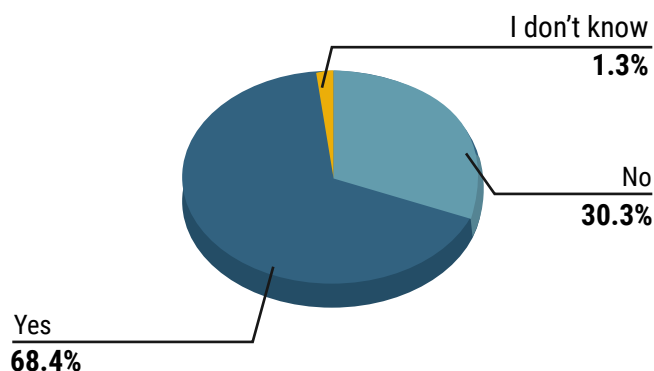
Based on this article and international standards, one cannot be detained for more than 6 months (or in some cases a year) without having a judicial decision issuing their sentence.

This is not the case in women's prisons in Lebanon as it appears in the data above.

As for the access to legal aid, 68.4% of the participants do not have a lawyer, meaning 52 out of 76 women prisoners who participated in the surveys.

Do you have a lawyer?

I don't know= I don't speak arabic, I don't understand



Based on the first rule of the Juveniles rules mentioned previously, "the juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort."⁸⁴ Judge Joelle agreed to this rule during the interview CLDH had with her, as she mentioned article 7 of the Lebanese juveniles law.⁸⁵

Another rule is included in the Juveniles rules and regulates legal aid as follows:

Rule 18: "The conditions under which an untried juvenile is detained should be consistent with the rules set out below, with additional specific provisions as are necessary and appropriate, given the requirements of the presumption of innocence, the duration of the detention and the legal status and circumstances of the juvenile. These provisions would include, but not necessarily be restricted to, the following: (a) Juveniles should have the right of legal counsel and be enabled to apply for free legal aid, where such aid is available, and to communicate regularly with their legal advisers. Privacy and confidentiality shall be ensured for such communications (...)"⁸⁶

⁸⁴ Rule 1, Juveniles Rules.

⁸⁵ Tool 1, KII 3, Judge Joelle Abou Haidar, the 1st of April 2022, Baabda Justice Palace

⁸⁶ Rule 18, Juveniles Rules.

In this regard, CLDH's social worker noticed that the delays in the court system constitute a significant problem affecting the detainees at all levels, in the juveniles building at the Roumieh Central Prison. The social worker realized that transportation fees to the Roumieh Central Prison have become very expensive. Parking spots are limited yet costly. The registration of the visitors' names is not organized. These are all factors influencing the right to a fair and speedy trial that juveniles deprived of freedom should have.

Similarly, Judge Bassem explained that the Courts are facing multiple challenges causing delays in decision making. He elaborated on the fuel crisis explaining that there is no transportation possible for the internal security forces members. Judge Bassem stated: "I used to come at 9 am and leave at 1 pm. Today, I leave at 11 am." He also described the low maintenance, the lack of cleaning in justice palaces, the lack of logistics and papers, which are delaying the judicial process as well.⁸⁷

Right to be separated and classified

Before analyzing the data that have been collected by CLDH concerning the prisoners' separation and classification, CLDH highlights that in the detention center in Dahr El Bachek where female juveniles are kept, those who are in need for protection (from potential abuse or present risks) are merged with those who committed offenses or criminal acts. Not only does this fact impact the wellbeing and growth of the juveniles, but it derogates all human rights principles and rules acknowledged on international and local scales. Among the 11 surveys collected in Dahr El Bachek, 3 juveniles are there for protection reasons.

Rule 11 of the Mandela rules stipulates:

"The different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment"⁸⁸.

Based on CLDH's data collection and analysis, and inspired by this rule, separation and classification of prisoners will be elaborated through age separation (1), unsentenced and sentenced prisoners (2), classification based on the legal reason for detention (3) and classification based on prisoners' needs and treatment (4).

⁸⁷ Tool 1, KII 2, Judge Bassem Takiyidin, 25 March 2022, Beirut.

⁸⁸ 88 Rule 11, Mandela Rules.

1. Age separation

Mouvement Social explained to CLDH that juveniles arrested before completing their 18 years can remain in the juveniles prison until they are 21 years old if they have good behavior. Every year in the month of July, prisoners who turned 18-21 years old are transferred based on their behavior to adults' prisons.⁸⁹

This derogates international standards and rules. Adults should not be imprisoned with juveniles. As for Me Widad, she explained that juveniles, once arrested, are held with adults in the same detention centers. According to Me Widad, this puts the juveniles under a high risk and leaves them unprotected.⁹⁰

When asked if juveniles are tried in Military Courts, Judge Joelle answered "yes, in some cases, it is legal".⁹¹ She mentioned article 33 of the Lebanese juveniles law. This article limits this to only when juveniles are participants in crimes where adults are involved. In such cases, the Military Court would decide whether the juvenile is innocent or not. Afterwards, this court would ask the Juveniles' Court or Judge to decide on the sentence.⁹²

2. Sentenced and unsentenced prisoners

Based on Rule 17 of the Juveniles rules, "untried detainees should be separated from convicted juveniles." Mouvement Social have seen that this rule is not respected and many juveniles have not been sentenced yet.⁹³

Review part II, paragraph C on legal aid for more data on this separation in women's prisons.

3. Classification based on the legal reason for detention

In Lebanon, juveniles who need protection and are victims of abuse or other illegal acts, are transferred to prisons where juveniles who are accused of illegal acts are held.

"The Lebanese juveniles law 422/2002 is recent and was well prepared by knowledgeable people, but it does have discrepancies. I am not talking about discrepancies in the sentences to be inflicted. As long as the law mentions "the juvenile's best interest", it provides the judge with a wide freedom on determining what the interest is. Because of that, the juvenile's rights are safeguarded in the law. What should be amended in the law is more about the juveniles who need protection and are in danger, rather than those who are offenders. I believe the law could give a bigger freedom to the judge in that scope."⁹⁴

Based on Judge Joelle's observations, there are around 130 juveniles imprisoned today in Lebanon, some are imprisoned for illegal residency, which is so wrong, according to her.

She supports her observation with an example: "a juvenile was once arrested for theft: stealing a beer and a bag of chips. It appeared later on that the boy has no place to stay and that for him to sleep in a bus, the bus' owner makes him get a beer and a bag of chips".⁹⁵

For this reason, it is primordial to separate juveniles based on the legal reason that led them to detention. Dar El Amal agrees that prisoners should be separated based on their sentences, because this would help in implementing different rehabilitative programs for reintegration post-release. "A drug addict should not be placed with someone accused of drugs".⁹⁶

In women's prisons that CLDH visited, the data showed that the types of accusations are somewhat similar in every prison.

In Qubbah, the most common accusation is murder.



⁸⁹ Tool 1, KII 7, Mouvement Social, 31 March 2022, Badaro, Mouvement Social Offices.

⁹⁰ Tool 1, KII 4, Me Widad El Abed, the 1st of April 2022, Beirut.

⁹¹ Tool 1, KII 3, Judge Joelle Abou Haidar, the 1st of April 2022, Baabda Justice Palace.

⁹² Article 33, Lebanese Juveniles Law 422/2002.

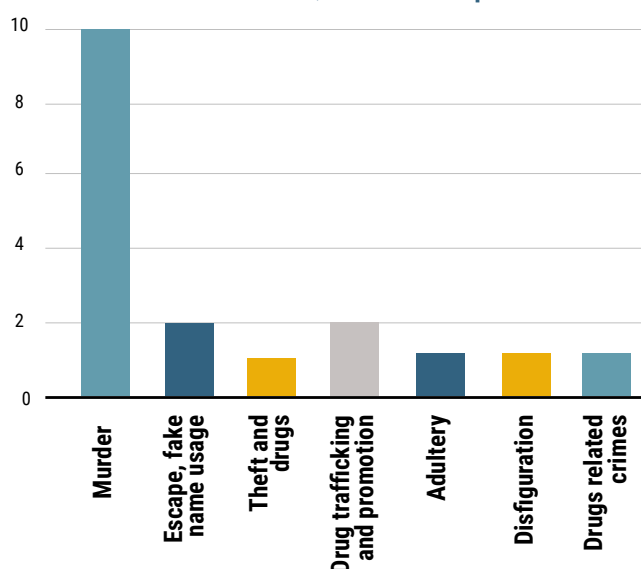
⁹³ Tool 1, KII 7, Mouvement Social, 31 March 2022, Badaro, Mouvement Social Offices.

⁹⁴ Tool 1, KII 3, Judge Joelle Abou Haidar, the 1st of April 2022, Baabda Justice Palace.

⁹⁵ Ibid.

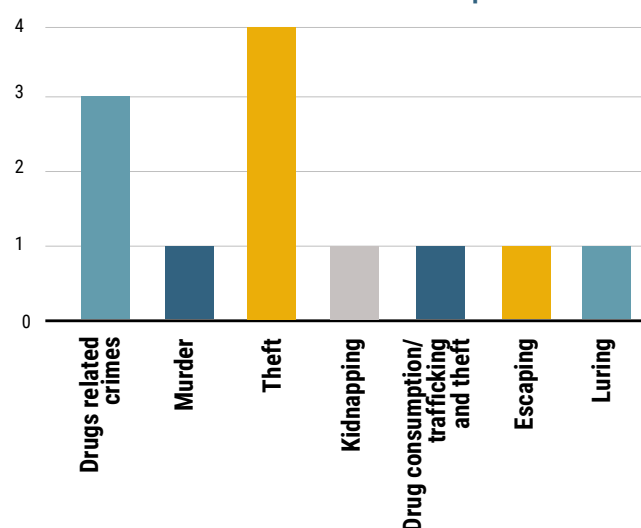
⁹⁶ Tool 1, KII 6, Dar El Amal, 10 March 2022, Tripoli.

Count of causes of arrests - Qubba women prison



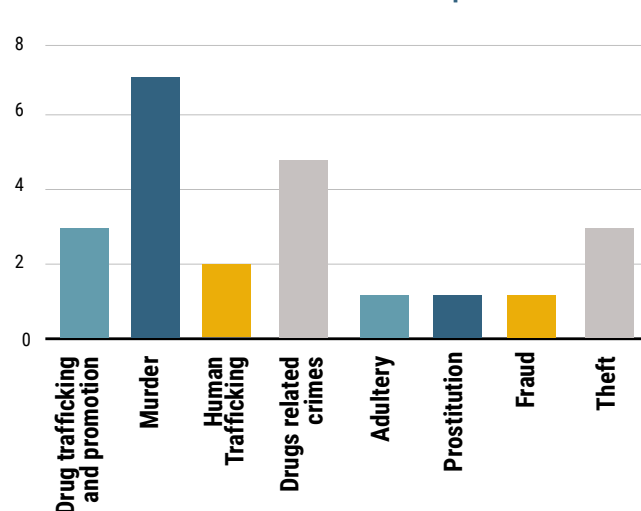
In Baabda, the most common accusation is theft, then comes drug-related crimes.

Count of causes of arrests - Baabda women prison



In Baabda, the most common accusation is theft, then comes drug-related crimes.

Count of causes of arrests - Zahle women prison



A final note to make on the classification based on the legal reason of prisoners, which is related to those accused of drug consumption. As Dr. Joanna mentioned, these people should be rehabilitated in adequate rehabilitation institutions and centers instead of being imprisoned with the rest of prisoners, especially with the allegations of drugs flow inside prisons.⁹⁷

Classification based on the needs and the treatment

Rule 41 of the Bangkok rules states:

"The gender-sensitive risk assessment and classification of prisoners shall:

- Take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high-security measures and increased levels of isolation can have on women prisoners;
- Enable essential information about women's backgrounds, such as violence they may have experienced, history of mental disability and substance abuse, as well as parental and other caretaking responsibilities, to be taken into account in the allocation and sentence planning process;
- Ensure that women's sentence plans include rehabilitative programmes and services that match their gender-specific needs;
- Ensure that those with mental health-care needs are housed in accommodation which is not restrictive, and at the lowest possible security level, and receive appropriate treatment, rather than being placed in higher security level facilities solely due to their mental health problems."⁹⁸

⁹⁷ Tool 1, KII 1, Dr. Joanna Imad, 21 March 2022, conducted remotely.

⁹⁸ Rule 41, Bangkok Rules.

As the rule mentions, it is important to separate women based on their needs and the necessary treatment for each, taking into account the assessment of violence and history of each.

This would not only help the women get rehabilitated and reintegrated into society, but would also reduce the rate of recidivism.

As for juveniles, Rule 28 of the Juveniles rules states similarly that “the principal criterion for the separation

of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.”⁹⁹

All 12 respondents to the surveys collected in the juveniles’ detention centers answered “Yes” to whether there is violence happening among them or not, and all of them elaborated by mentioning that both physical and moral violence occur.

CONCLUSION AND RECOMMENDATIONS

“I pray for them to be ok”¹⁰⁰, this was Nabila’s response when asked what she could give as advice to imprisoned women in Lebanon today.

Women and juveniles imprisoned in Lebanese prisons suffer from violations of their human rights due to the lack of provision of multidisciplinary services during incarceration. As a result, women and juveniles lack rehabilitation and encounter many obstacles when released, as they suffer to be reintegrated into society and the rate of recidivism increases.

“Prisons are perceived in Lebanon as punishment and not a way of rehabilitation. Social factors affect the situation because we are not preventing crime by implementing pre and post programs, and that is, in fact, the biggest problem. We do not have programs tackling vulnerabilities and problems pre and post incarceration.”¹⁰¹

Based on all the above-mentioned quantitative and qualitative data and the analysis elaborated in this report, various recommendations are to be addressed. These are divided into three chronological events.

1. **Pre-incarceration interventions;**
2. **Incarceration interventions;**
3. **Post-incarceration interventions.**

1 Pre-incarceration interventions

For juveniles in conflict with the law:

-Implement non-custodial measures such as supervised freedom and community service, leaving imprisonment as the last resort for judges and courts.

-Prepare centers for juveniles victims of illegal acts to ensure their safety and rehabilitation, without holding them with juveniles who committed illegal acts.

For women:

-Spread awareness on the prevention of crime to vulnerable communities, especially matters of civil documentation to refugees, and escape/theft matters to migrant workers.

For both juveniles and women:

-Advise judges and courts to make decisions based on which offenders who are accused of drug consumption are referred to rehabilitation centers specialized in toxicology rather than imprisoned with other offenders, and to also refer juveniles who need protection to adequate centers rather than the detention centers in Dahr El Bacheh or Central Roumieh Prison.

⁹⁹ Rule 28, Juveniles Rules.

¹⁰⁰ Tool 3, In-depth interview, testimony of “Nabila” (fake name), a Syrian woman formerly imprisoned in Lebanon, interview conducted remotely on May 17, 2022.

¹⁰¹ Tool 1, KII 1, Dr. Joanna Imad, 21 March 2022, conducted remotely.

2 Incarceration interventions

For juveniles' detention centers:

- Activate the Warwar center being prepared to welcome juveniles (move them from Roumieh), and ensure they are in good conditions aligning with international standards.
- Provide training for the prison personnel in contact with juveniles to enhance knowledge and skills as to the management of juvenile facilities and the treatment of juvenile offenders.
- Implement proper and continuous psychological intervention and follow-up with juveniles deprived of freedom.

For women's prisons:

- Draft a law or articles of law to cover topics related to women's imprisonment that are not explicitly and clearly regulated by domestic criminal law, such as pregnancy in prison.
- Provide training for the prison personnel to ensure more direct contact with the prisoners, aimed at enhancing the relationship between internal security forces members and women prisoners (to reach less fear and more trust from the prisoners' end).
- Provide training for the prison administration on how to communicate with non-Lebanese prisoners who do not speak and/or understand the Arabic language.

For both women and juveniles' detention centers:

- Enhance connections between different ministries by creating a sub-committee under each concerned ministry, made exclusively for prisons and detention centers (such as: the Ministry of Public Health, the Ministry of Interior and Municipalities, the Ministry of Social Affairs, the Ministry of Justice, the Ministry of Education, Ministry of Energy and Water, and Ministry of Foreign affairs).
- Strengthen connections between non-governmental local and international organizations who are operating in prisons and providing services, in order to organize the work, join efforts and avoid duplications. Such strengthening could be initiated by a clear service mapping for prisons and services pro-

3 Post-incarceration interventions

For juveniles released from prison:

- Implement article 50 of the Lebanese Juveniles Law 422/2002, which ensures the criminal record of the juvenile does not prevent them from finding jobs and getting reintegrated into society.

For women released from prison:

- Ensure an exit strategy for women based on their accusations and needs, which includes a holistic approach of psychosocial rehabilitation, and the provision of learning opportunities inside prison, to ensure possible job opportunities once released.

For both women and juveniles released from prison:

- Prepare rehabilitation centers and shelters for prisoners who are released from prison, to ensure their reintegration in society and to avoid recidivism, especially for those who have no shelter upon release.
- It is through the implementation of both pre-incarceration interventions and incarceration interventions that the prison system could be changed from a punitive inhumane system to a rehabilitative humane system, aimed at enhancing offenders and the whole society through crime prevention.
- The issue in Lebanon remains under a vicious cycle: if the pre-incarceration interventions are not implemented, the incarcerated population will increase in numbers and the post-incarceration will constitute various obstacles to reintegration into society. At this stage, former prisoners will find themselves committing crime again and falling into recidivism.

A prisoner was waiting for 5 years for her release from prison. She was sentenced for drug consumption and she used to say everyday "I am waiting for the day I will see the sun and be free" She had no place to go after her release. On the day of her release, a friend of hers, who is a former prisoner, was waiting for her outside prison. On the day of her release, she was found dead. Her death was caused by a drug overdose.¹⁰² If rehabilitation centers or shelters were there, she would be able to survive. If she was rehabilitated in prison, she would be able to survive. If she was prepared for the post-incarceration, she would be able to survive, and get reintegrated into society.

We conclude with the words of a woman in prison who expressed to CLDH during one of the prison visits:

"I wanted to do something out of my life so I sought sex work. Today, I just dream of being released from here. When I look from the window and see the world outside, I breathe the air, and I suffocate. I feel that this life is not for me, as if I like art but I am not an artist."¹⁰³



¹⁰² Tool 1, KII 6, Dar El Amal, 10 March 2022, Tripoli.

¹⁰³ Tool 2, Surveys with women in prisons. The prison is not determined to ensure the identity of the victim of torture remains unrevealed, abiding by the Do No Harm principle.

ANNEXES

Annex (1)
Judges Questionnaire



Annex (2)
Lawyers Questionnaire



Annex (3)
**Key-Informant Interviews
with Service Providers**



Annex (4)
Women Survey



Annex (5)
Juveniles Survey



Annex (6)
Consent Form Template



Annex (7)
Data Collection Tools



Annex (8)
**Child Safeguarding Policy
(CLDH)**



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