



Position Paper

The Imperative for Lebanon to Accept Article 22 of the Convention Against Torture (CAT)

The Lebanese Center for Human Rights (CLDH)

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Introduction

*The Lebanese Center for Human Rights (CLDH) is a non-profit organization dedicated to the rehabilitation of torture victims, supporting the families of victims of enforced disappearance, providing free legal aid, and combating impunity, arbitrary detention, and injustice in Lebanon. As a state party to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) since 2000, Lebanon has taken a significant step in the global fight against torture. However, by maintaining its reservation on **Article 22** of the Convention, Lebanon is failing to activate a crucial mechanism for justice and accountability. This position paper outlines the critical importance of withdrawing this reservation and fully accepting Article 22, detailing the profound benefits for victims, the rule of law, and the Lebanese State itself.*

2. The Legal Gap: Understanding Article 22

Article 22 of CAT establishes the competence of the **Committee Against Torture** to receive and consider communications from, or on behalf of, individuals who claim to be victims of a violation of the Convention by a State Party.

In simpler terms, it provides a **last resort international avenue** for victims of torture when all domestic remedies have been exhausted or proven ineffective. By upholding its reservation to this article, Lebanon is deliberately shutting a vital door to justice for its own citizens, effectively telling them that once national systems fail them, they have nowhere else to turn.



3. CLDH's Position: A Moral and Legal Imperative

CLDH unequivocally calls upon the Lebanese government to immediately withdraw its reservation to Article 22 of CAT. Our position is based on the following principles:

- **Upholding the Object and Purpose of the Convention:** A reservation that nullifies a core international complaint mechanism is contrary to the very spirit of the Convention, which is the absolute prohibition of torture.
- **Aligning with Lebanon's International Commitments:** This action is a logical and necessary step following Lebanon's ratification of the Optional Protocol to the Convention Against Torture (OPCAT). It demonstrates a consistent and genuine commitment to eradicating torture.
- **Fulfilling a Moral Duty to Victims:** As an organization that works directly with the survivors of torture, we witness firsthand the profound physical and psychological scars they bear. Denying them access to all available justice mechanisms is a secondary form of victimization.

4. The Tangible Benefits of Accepting Article 22

A. For Victims of Torture and Their Families:

1. Access to Justice:

It provides a final, impartial international body to hear their case when national judiciary systems are unable or unwilling to provide redress.

2. Psychological Validation:

The mere act of having their case heard by a UN expert committee can provide immense psychological relief and a sense of recognition for victims who have been silenced and ignored.

3. Empowerment:

It empowers victims by giving them an active role in the pursuit of justice, transforming them from passive subjects of abuse into active rights- holders.

4. Potential for Reparation:

The Committee's findings can pressure the state to provide adequate compensation and rehabilitation for the victim.

B. For Combating Torture and Ending Impunity in Lebanon:

1. A Deterrent Effect:

The knowledge that torture could be scrutinized at the international level acts as a powerful deterrent for security officials and perpetrators, complementing national efforts.

2. Independent Oversight:

The mere act of having their case heard by a UN expert committee can provide immense psychological relief and a sense of recognition for victims who have been silenced and ignored.

3. Strengthening the National Judiciary:

The findings from the Committee can be used by Lebanese judges and prosecutors as persuasive authority to advance torture cases within the domestic legal framework, bolstering their rulings.



C. For the Lebanese Government:

1. Enhanced International Standing:

Withdrawing the reservation signals a genuine political will to combat torture, improving Lebanon's credibility and reputation before international bodies and partner nations.

2. A Tool for Reform:

The Committee's specific, case-based recommendations provide the government with a clear, external roadmap for reforming its security and judicial sectors—a key demand of both international partners and the Lebanese people.

3. Cost-Effective Expertise:

It leverages the free, high-level legal expertise of the UN Committee to identify and address legal and procedural gaps, saving the state the cost of establishing similar complex oversight mechanisms from scratch.

4. Fulfilling Constitutional Obligations:

It aligns with Article 20 of the Lebanese Constitution, which states that the judicial power is the "guarantor of the rights of the individual and the public freedoms."

5. Conclusion and Call to Action

The reservation to Article 22 of CAT is a relic of a past era, one that prioritizes state immunity over individual rights and undermines the fight against impunity. Its withdrawal is not a concession but a necessary evolution towards a Lebanon that truly respects human rights and the rule of law. CLDH urgently calls upon:

1. The Lebanese Government:

Specifically the Ministry of Foreign Affairs and Emigrants and the Cabinet, to initiate the formal procedure to withdraw the reservation to Article 22 of CAT.

2. The Lebanese Parliament:

3. The Judicial Authorities:

To support this step as a means to strengthen the independence and effectiveness of the national judiciary.

By accepting Article 22, Lebanon would take a decisive stand with the victims, against the perpetrators, and for a future where torture has no place in our society.

To endorse this decision and exercise its oversight role to ensure its implementation.



Annex 1:

Literature review:

Introduction

Despite Lebanon's 2017 Anti-Torture Law enforcement has remained largely declarative. Investigations are sporadic, convictions rare and complaints continue to be channeled through military courts in contravention of international standards (refer here) There is a persistent gap between legal commitment and implementation that reflects a wider regional pattern where anti torture norms exist in text but falter in practice (refer here). To understand how this gap can be bridged, it is instructive to examine how other states have operationalized the individual complaints procedure under Article 22 of the Convention Against Torture (CAT) – a mechanism Lebanon has yet to recognize. Article 22 provides a route for individuals to bring claims before the committee against torture when domestic remedies fail, and its jurisprudence has to shape practice on investigation, redress and prevention (refer here). The following literature review surveys comparative evidence from both Middle East and North Africa (MENA) states that have accepted Article 22 and from other regions where this mechanism has generated measurable progress in combating torture. Through this comparative lens, the review aims to assess what institutional, procedural, and normative lessons Lebanon might draw from peer experiences to strengthen its anti-torture framework.

MENA Region: examples of Article 22 acceptance and benefit

1. Tunisia

Tunisia has made the Article 22 declaration (and has had individual communication filed). For instance, the CAT has used these communications to highlight investigation delays and custodial death scenarios (refer here). The mechanism has given victims of past custodial deaths and alleged torture a forum beyond domestic courts; the views of the committee have served as external validation of procedural failures and pressured authorities towards forensic truth seeking. For Tunisia, activation of Article 22 meant that an individual could bring a claim to the CAT when domestic remedies had stalled; the view produced by the CAT gives authority and external pressure for the state to act. This adds a layer of accountability which domestic systems alone may not deliver. In the Lebanon context (with similar issues around investigation delays and custodial deaths), this shows the mechanism can help catalyze state response where domestic systems are weak.

2. Morocco

Morocco recognized the committee's competence under Article 22 in 2006. A decision under Article 22, e.g., Hany Khater v. Morocco, No. 782/2016, adopted on 22 November 2019, concerning extradition and risk of torture (refer here) By opening the individual communication route, the CAT's decisions have provided concrete jurisprudential benchmarks vis-à-vis extradition, risk of torture on return, and investigative obligations (refer here).



As a MENA peer accepting Article 22, Morocco demonstrates that regional states can embed this mechanism; for Lebanon, Morocco may serve as a persuasive regional model. Shows that Lebanon could reference these peer experiences in arguing for Article 22 accession. Many MENA states have not accepted Article 22; e.g., NGOs note that some (like Jordan) still have not accepted competence to handle individual communications under CAT.

Examples of compliance outside MENA region

1. Sweden

Sweden accepted Article 22 early and was subject to the landmark case *Agiza v. Sweden* (expulsion of Ahmed Agiza to Egypt). The CAT found violations of non-refoulement and ineffective investigation. The decision pressured Sweden to review its diplomatic assurances policy, pay compensation and strengthen procedural safeguards around removals to avoid risks of torture.

2. France

France's long-standing acceptance of Article 22 enabled CAT jurisprudence on risk transfer (expulsion to torture risk) and the exclusion of evidence obtained under torture. CAT decisions against France, e.g., *Mahfoud Brada v. France*, reinforced rigorous risk assessment before expulsion, strengthening administrative and judicial scrutiny of removal decisions. Even when remedies are case-specific, repeated findings shape internal guidance and court reasoning on refoulement. Jurisprudence on risk assessment is directly portable to Lebanese removal practice and detention-related due process.

3. Guatemala / Mexico

These Latin American states accepted Article 22 (Guatemala in 2003, Mexico in 2002) and have seen communications lodged under the CAT. The committee's views have been cited in national reform efforts: strengthening criminalization of torture, improving evidentiary rules (exclusion of coercive evidence), and enhancing independent investigations. It illustrates the mechanisms' potential in transitioning or weak-capacity states, not just high-income ones. Mexico's reporting cycles show how CAT's case law and follow-up feed into statutory and procedural reform. These show that Article 22 can be a driver of structural reform (not just individual cases) in jurisdictions with major human rights challenges. (refer here)

Von Staden (2022) finds that states which accept Article 22 show higher conditional compliance with the committee's views; that is, the mechanism's effectiveness depends on domestic capacity, normative commitment and cost of compliance. The literature shows that states which accept the individual communications competence under Article 22 generally gain stronger tools of victim redress, institutional accountability and normative reinforcements of anti-torture obligations. For Lebanon this is significant, where legal frameworks exist (Law 65/2017) but enforcement remains weak. Evidence suggests that Article 22's accession offers a tangible mechanism complementary to domestic reform efforts, providing external oversight, jurisprudential benchmarking and an impetus for stronger investigation and prevention measures.



The effectiveness of anti-torture enforcements depends upon follow-up, domestic commitment, political will and institutional capacity (Von Staden, 2022). Lebanon's accession to Article 22 would not merely be a signal of formal compliance but also fundamentally activate the enforcement architecture of its anti-torture obligations. The mechanism's value lies in its dual function: reactive and preventive. In Tunisia individual communications under Article 22 led the CAT committee to call for renewed investigations into custodial death. This ability of the system for quasi-judicial remedies is essential in systems like Lebanon, where fear of reprisals and limited prosecutorial independence often leave survivors without remedy. The preventive function of Article 22 can influence domestic institutions through sustained international scrutiny and jurisprudential diffusion. Over time the committee's views create interpretive precedents that domestic courts, prosecutors, and human rights bodies begin to cite. France's and Mexico's courts, for instance, have incorporated CAT jurisprudence in non-refoulement and evidence exclusion cases. States that have embraced it demonstrate measurable advances in accountability, transparency, and deterrence of torture. Hence, Article 22 functions less as an external remedy imposed than as a translation device, one that reconfigures how states internalize and perform accountability.

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