Mapping & Analysis of Informal Child Protection and Child Justice Systems in Lebanon

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List of abbreviations

CiCL	Children in conflict with the law
CS	Case studies
ERC	Ethical Review Committee
FGD	Focus Group Discussion
GBV	Gender-based violence
HCC	Higher Council for Childhood
ISF	Internal Security Forces
ITS	Informal Tented Settlements
KIIs	Key Informants Interviews
MENA	Middle East and North Africa
MoJ	Ministry of Justice
MoSA	Ministry of Social Affairs
NGOs	Non-governmental Organizations
NRC	Norwegian Refugee Council
PEA	Political Economy Analysis
PSF	Palestinian Security Forces
SDG	Sustainable Development Goals
SOPs	Standard Operating Procedures
Tdh	Terre des hommes Foundation - Lausanne
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UPEL	Union for the Protection of Juveniles in Lebanon
SBCC	Social Behavioral Change Communication

Glossary of Arabic terminology

This report uses Arabic terms that refer to context specific actors, concepts, or practices. The following list is a selection of the terms used most often in interviews and focus groups, as they are used in the Lebanese context.

- **'Asheera — عشيرة**: A tribe or collection of families, united under a chieftain, regarded as having the same common ancestor, and bearing the same surname; as, for example, the "clan of Jaafar." 'Ashayer (plural) are important in the Bekaa Valley and the northern and southern cities of Lebanon.

- **Mokhayam — مخيـم**: A term used to describe a camp more generally, but in refugee contexts it refers to tented settlements for refugees. A refugee camp is intended as a temporary accommodation for people who have been forced to flee their home because of violence and persecution.

- **Mouhami — محامي**: Lawyer, law attorney.

- **Mukhtar — مختار**: Formally elected officer in charge of the administrative assistance of a neighborhood, village, or small town. Can be male or female.

- **Khoury — خـوري**: Priest; in some Christian churches, an officer or minister who acts as an intermediary between a bishop and a deacon.

- **Shawish — شاويش**: This term is used somewhat like the term "superintendent." In the Lebanese context, prior to the Syrian crisis, it was used to describe a man who would organize foreign labor for construction or agriculture. Since 2011, the term has come to be used to refer to the person who is appointed by a landlord as a focal point for a Syrian or Palestinian settlement. It is mainly used in the context of Syrians residing in Informal Tents Settlements in Lebanon. In addition, it is to be noted that the wives of the Shawish play an important role in dispute resolution and reconciliation processes at a community level. Unlike Mukhtar, Shawish is a given title that has no legal status.

- **Sheikh — شيخ**: Islamic religious leaders have traditionally been those who by virtue of their involvement in religious or political roles, had a prominent role overall within their community. It is to be noted that the term Sheikh is used in non-Muslim contexts to refer to those with social status related to wealth.

- **Raeis Baladiye — رئيس البلدية**: An official elected or appointed to act as chief executive or nominal head of a city (mayor).

- **Sulh / Islah / Sulha — صلـح / إصـلاح / صلحـة**: Approach to dispute resolution, often involving a powerful community figure (with religious or social authority) as mediators. It aims to preserve community harmony and reconcile the parties involved.

- **Wasit — وسـيط**: Person who is formally in charge to settle a conflict between two or more persons by means of mediation; a mediator.

- **Wasta — واسـطة**: Nepotism; phenomenon that covers situations where a person uses connections to advance a desired action or resolve a particular issue.

Important concepts and theoretical devices

Access to justice: The right of children to seek and obtain remedies in cases of violation, or alleged violation, of their rights. Access to justice refers in particular to the right to benefit from justice mechanisms and remedies appropriate to the condition and needs of children, according to international standards (Liefaard, 2019; Tdh, 2014; UNICEF, 2008).

Adolescence: The transition period between childhood and adulthood. It is defined as a period characterized by rapid physical, cognitive, and social changes, including sexual and reproductive maturation; the gradual building up of the capacity to assume adult behaviors and roles involving responsibilities that require new knowledge and skills.[1] While the United Nations Convention on the Rights of the Child (UNCRC) does not provide an age-based definition of adolescence, it is to be noted that the World Health Organization has defined adolescents as individuals between 10 and 19 years old.[2]

Child: Any person under the age of 18 "unless under the law applicable to the child, majority is attained earlier" according to the UNCRC (Article 1). This study takes the view that although age may determine biological and neurological development, competency and capacity are guided by experiences, expectations, environmental, cultural and family backgrounds (UNICEF 2005b; 2016). Lebanese legislation defines a child as anyone under the age of 18 years (Article 1, Law 422/2002). It refers to "juvenile" instead of "child" but falls in line with the UNCRC (Article 1). Religious laws do not clearly define who they consider to be a child. Although it is presumed that most courts would acknowledge a person under 18 to be a child, it is to be noted that certain religious courts would depart from strict age categories to acknowledge proof of biological development and puberty as indicators of adulthood (Hashemi, 2007).

Child protection: The protection of children against abuse, neglect, violence, and exploitation in all their forms, regardless of the nature of the relationship a child has with a perpetrator or the setting in which it occurs (Child Frontiers, University of Saint Joseph, & UNICEF, 2010).

Children in conflict with the law: This term refers to any child "alleged as, accused of, or recognized as having infringed the penal law" (UNCRC, Article 40(1)). For the purposes of this study and given its focus on informal child justice and protection, there is a need to expand the scope of the definition to include children that are alleged, accused or found to have infringed criminal laws or customary or cultural norms i.e. those who have come into conflict with informal community, customary, or faith-based dispute resolution pathways.

Child victims/survivors and witnesses: This refers to children who are victims or witnesses of crime who come into contact with formal or informal justice systems or mechanisms i.e. informal community, customary, or faith-based dispute resolution pathways. This definition includes children who are witnesses or those that are at the center of an informal process as a victim.

Children in contact with the law: For the purposes of this study, this encompasses Children in Conflict with the Law, according to the expanded definition provided above, and Child victims/survivors and witnesses.

Children at risk: This term refers to children who are at risk i.e. those who have special vulnerabilities as a result of key risk factors, including: poverty, health, socio-cultural factors, or violence. For the purposes of this study, children at risk describes those who are in contact with the law or at risk of being so because of being in a situation characterized by risk such as vulnerability to abuse. According to Law 422/2002, a child is considered at risk in case of environment exposing the child to exploitation, or adversely affecting the child's health, safety, morality, or upbringing, to sexual or violent corporal attack beyond the customary non-harmful disciplinary measures, or to mendacity or vagrancy. More widely, "the concept of 'risk' incorporates all forms of abuse, threats, and suspicious circumstances that may endanger the safety and development of a juvenile" (SOP, 2015, p.19).

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[1] See Committee on the Rights of the Child (2016) General comment No. 20 on the implementation of the rights of the child during adolescence, CRC/C/GC/20.

[2] See World Health Organization, Adolescent Health, available here: https://www.who.int/health-topics/adolescent-health#tab=tab_1

Child Justice (formerly Juvenile Justice): This term refers to: "legislation, norms and standards, procedures, mechanisms and provisions, institutions and bodies specifically applicable to children considered as offenders" (Para 8, CRC/C/GC/25).[3]

Confessional jurisdictions: This term refers to the fifteen separate jurisdictions under the formal Lebanese legal system that have a constitutionally devolved prerogative to decide matters concerning Personal Status Law. (UNFPA, UNWOMEN, UNDP, & ESCWA, 2018).

Deprivation of liberty: Any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative, or other public authority (Article 11(b) Havana Rules, 1990).

Family: Refers to those within the caring circle of a child. This caring circle varies according to culture and circumstance. The use of the term "family" recognizes that in many societies, the care environment of a child includes extended family. The term also includes the concept of "genuine caregivers" (Para 57, CRC/C/GC/24), which can include other children or wider community members. This does not include individuals or stakeholders who are not providing daily emotional, physical, and psychological care to a child (Child Frontiers, University of Saint Joseph, & UNICEF, 2010).

Formal Child Protection System: Systems that have been established or mandated through law or delegation of statutory responsibilities in order to protect children. This may include government agencies, international organizations, and local NGOs (including community- and faith-based organizations) involved in providing child protection, where these are officially recognized or endorsed by and subject to supervision and regulation by the national Government. Some groups, such as traditional and faith-based leaders, may also have clear roles within the formal system (Child Frontiers, University of Saint Joseph, & UNICEF, 2010).

Formal Justice System: The formal justice system comprises both state-run justice, law enforcement institutions, and private practice lawyers, including the judiciary, bar associations, Justice and Interior ministries, the police, prisons, rehabilitation centers, and criminal investigation and prosecution services. In the Lebanese context, the term includes the fifteen confessional jurisdictions,[4] which have prerogative over matters concerning the Personal Status Law.[5] The term also incorporates non-governmental organizations that have been delegated statutory responsibilities by state or government bodies.

Informal Child Protection System: The term refers to locally led child protection practices and measures undertaken by communities, families, and children or assistance provided as an alternative or in parallel to formal services, based on cultural norms, traditions, and social practices (Child Frontiers, University of Saint Joseph, & UNICEF, 2010). It includes actors who participate in informal child protection systems but who also have roles in formal child protection, justice, or security systems. (Child Frontiers, University of Saint Joseph, & UNICEF, 2010; ICHRP, 2009; IDLO, 2011; Tdh, 2011, 2017; UNDP, 2006; UNDP, UNICEF, & UNWOMEN, 2012; Campistol et al., 2017).

Informal Justice System: Informal justice is notoriously difficult to define (Para 102-104, CRC/C/GC/24; UNDP, 2006) and varies greatly according to context. The terms of reference from this project state that the "'informal justice system runs in parallel to the formal system. Although it may borrow many of the latter's features, it operates outside the bounds of a

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[3] Note: The revised General Comment does not refer to children as "juveniles" and encourages the use of the term "child justice."

[4] This is based on Article 9 of the Lebanese Constitution which stipulates that the State "guarantees that the personal status and religious interests of the population, to whatever religious sect they belong, shall be respected."

[5] Decree 60LR, dated 1936, grants each religious community jurisdiction over their own community's personal status matters. There are 15 personal status laws for the country's 18 recognized religious communities.

formal state-based legal system and applies non-state methods of conflict resolution. These processes may be run by traditional or [faith-based] authorities, elders or other community members." A further definition, endorsed by the UN, states: "Informal systems are also often referred to as 'traditional,' 'indigenous,' 'customary' or 'non-state' justice systems [and] tend to address a wide range of issues of significant concern to the people." In the Lebanese context, it is important to recognize that this definition must include actors who participate in informal justice mechanisms but who also have roles in formal justice or law enforcement systems.

Legal pluralism: The term is generally defined as a situation in which two or more legal systems coexist in the same social field (Griffiths, 1986; Merry, 1988).

Restorative Justice: The term refers to approaches where the objective is to promote the reparation of the damage caused to the individual, affected parties, and community. This objective requires the active and joint participation of the offender, the victim and, in certain situations, individual members of the community, to resolve problems resulting from the conflict. This process leads to outcomes such as reparation, restitution, and community service. The objective is to meet the individual and collective needs of the parties, to promote the rehabilitation of the offender, and the reparation to the victim (Tdh, 2014, 2016a, 2020).

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[6] See https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/informal-justice/

1. Executive summary

Comprehensive and solid knowledge of the state of affairs and dynamics within the informal child protection and justice systems, and between the formal and informal systems, is not available for Lebanon; a demographically diverse country with many officially recognized religious groups and significant refugee populations in different living arrangements (e.g. camps, informal settlements, collective shelters in urban settings, and within the community at large).

This report explores child protection and informal justice systems in the Lebanese context — with a focus on the place of children in those systems — looking in particular at the synergies and overlaps between informal and formal systems. Although their presence is acknowledged, little is known about informal child protection and justice actors, mechanisms, decision-making processes and outcomes, especially where they concern children and adolescents. Informal child protection and justice settlements are widespread throughout the world, but they take on particular significance in a context haunted by economic and political crises, and characterized by severe barriers to access to justice and/or child protection assistance. This is undeniably the case with regard to Syrian and Palestinian refugees, who are marginalized communities within Lebanon.

This report, based on data collected between 2019 and 2020, aims to shed light on informal child protection and justice systems operating in Lebanon. Beyond an extensive review of the literature on informal child protection and justice systems, interviews and focus group discussions were conducted with 199 individuals, among them key stakeholders from governmental and non-governmental organizations, members of the community such as religious leaders, members of the Palestinian Popular Committees, the Shawish in Syrian camps, and other actors involved in informal child protection and justice systems, as well as parents, children, and adolescents (Lebanese, Palestinians, and Syrians) who make use of these informal mechanisms in their communities.

While confirming much of the findings of the available literature, the report's findings also shed light on aspects specific to the Lebanese context. Through a comprehensive analysis of the available data, the report identifies and maps the major informal actors, ranging from non-governmental organizations (NGOs) to Mukhtars and religious authorities.

The report's findings suggest that the existence of legal pluralism creates a different local-level child protection system for each community and that the formal and informal justice systems are not always coordinated nor aligned. The study shows that actors may be organized into levels of (in)formality and that, depending on the gravity of the issue, the age, gender, and nationality of the children involved, as well as other concerns, the formality of the actors involved increases. Some of the main features of informal child protection and justice systems identified in international literature are also confirmed in this national study. Specifically, informal systems are perceived by participants as geographically nearer to their residential areas, culturally closer in terms of social norms and language, while they are also economically cheaper than formal justice procedures, decisions are processed sooner after a dispute, and the informants are more familiar with the procedures and its members. Informal pathways are used to handle a wide range of disputes, taking into consideration the social harmony of the community, and are more likely to take decisions and propose actions that are aimed at social balance, restoration of the harm caused, and reconciliation. Informal actors also enhance participation and involvement of different parties and the final decisions are accepted and validated by the community. Nevertheless, informal procedures and decisions are not always consistent with human rights standards, including child rights, especially given that many of the decisions reached are enforced through social pressures.

The study has identified some of the main characteristics of informal actors. Anyone in the social circle of the concerned child or minor can play a role in settling disputes or providing protection. Although this is subject to change, the most frequently mentioned stakeholders linked to the informal child protection field are: religious actors, Mukhtars, political leaders, and family members. Informal actors may be designated as such due to their social status or heredity, depending on the community and its traditions. Generally, they are male, well respected and seen as holding moral authority. Informal actors are perceived as being particularly well suited to settling disputes because of their personality, some specific innate abilities, their seniority, attributes of good leadership, or communication and listening skills. Moreover, well-educated individuals and people with experience are also regularly referred to as having good profiles.

Formal positions, along with social and financial capital — resources and power — give these individuals increased legitimacy. Women are often taken less seriously by society, while at the same time they are frequently portrayed as having particularly well-developed abilities to engage with cases involving children. Several participants considered women to be calmer, persuasive, and more empathetic.

In addition, there are different levels of (in)formality and hierarchy between informal actors. The hierarchy among informal actors is largely contingent on the specific context of inquiry. Depending on their needs in a given situation, individuals will turn to the actors seen to have the most legitimacy, also considering that some actors are perceived to hold a higher position in terms of influence and power deriving from their material wealth or institutional affiliation. Informal actors can be layered in terms of the level of escalation and/or gravity of the conflict. The greater the severity of the harm, the more external figures with leadership positions may be involved, including certain actors with specific expertise in customary law or conflict resolution and/or generally dealing with children's issues. The first and second levels are purely informal actors. First, parents or family members with authority will be solicited to resolve the issue.

Then, if needed, a third party will act as a mediator, chosen according to the requirements of the context. The third level are actors perceived as being able to settle disputes such as Mukhtars, Shawish, members of the Palestinian Popular Committees, members of Palestinian Security Forces (Palestinian camps), of political parties, and potentially of NGOs. The final and fourth level consists of formal actors with a legal institutional basis for action. They may use certain discretionary powers to settle a dispute (without opening a file) or refer to informal actors. Examples of fourth-level actors include police and Internal Security Forces (ISF), judges, prosecutors, lawyers, and NGOs with official mandates.

The study identified six major informal child protection and justice pathways. In the Lebanese context, formal actors — who have immediate authority to open a case if they deem it suitable — have a considerable amount of leverage to influence the outcome when it comes to an informal process. "Power of discretion" is one pathway that consists of formal justice actors — police, judges, prosecutors, or even prison wardens — trying to avoid opening a file in a particular case, because they believe that the level of harm or damage caused does not require engaging the formal pathway. The second informal pathway, "co-opting formal actors to avoid the formal pathway," includes the indirect use or involvement of formal actors in order to exercise pressure or intimidate children. Since children and adolescents tend to be afraid of the formal system, co-opting formal actors to pressure them into complying appears to be a form of resolving issues amicably, without opening a formal file. Moreover, formal actors may choose the "formal, yet non-judicial pathway." This is the informal justice pathway that is most closely aligned with the core functions of formal child protection and justice actors. In this context, formal actors, such as judges, have the discretion to choose flexible measures tailored to the specific case. Depending on their appraisal, certain NGOs or other informal actors may be considered as the most appropriate to resolve a justice issue or deal with a Child in Conflict with the Law (CiCL) or a child at risk.

Apart from the pathways that involve formal actors, three informal justice pathways that happen mainly beyond the formal justice system and its actors were further identified. These include predominantly informal actors, at different levels of formality. "An amicable settlement" is the epitome of informal conflict resolution and is frequently referred to as such in the Lebanese context. It denotes all efforts or attempts at resolving an issue without engaging the formal system, and, ideally, with the implication of a minimal number of informal actors. In accordance with the levels of escalation, amicable settlements only involve as many actors outside the immediate environment of the child or the issue as necessary. Amicable settlements aim at swiftness and satisfaction of the involved parties. "Networking by informal actors" is an important informal justice pathway and revolves around NGOs as a central informal justice actor. NGOs activate their networks of other NGOs, but also religious actors, village elders, Mukhtars, or others, in order to deal with a specific case and respond to the needs of the involved child or adolescent. Finally, the "involvement of informal actors in cases referred to the formal justice system" is another common pathway (whether an informal process refers the case to the formal system from the outset or the referral is the continuation of a case). Within this pathway, personal connections play a crucial role, enabling informal actors to pursue a form of case management without a formal mandate or legal basis, but one that takes the best interest of the child into account. In general, the informal justice pathways can regularly be taken by both formal and informal actors — while some of these pathways include only formal or informal actors, most of them consist of a combination of actors of various levels of (in)formality.

Moreover, the analysis of data revealed several important elements with regard to the conceptualization of children within informal systems. It indicates a relatively flexible definition and perception of the child, and subsequently childhood, along with culturally specific interpretations of the best interest of the child. The reputation of the family is very often prioritized. Children and adolescents interviewed expressed some mistrust of the formal pathway and of government actors, although they recognized that informal pathways can be unfair and unjust. In addition, children appear to have no say whether a case is resolved formally or informally, although this varies according to the age and gender of the child: the older they are, the more likely they will be asked, while girls' voices are significantly less likely to be taken into account.

Finally, the study seeks to determine the criteria that guide the choice between formal and informal systems. Depending on the level of faith and trust in each of the two systems and on the severity of the case, individuals will choose how to address the situation, but they will consider the formal pathway as a last resort. The latter tends to generate feelings of mistrust and intimidate the concerned parties and is often seen as slow, ineffective at delivering justice, and corrupt. The informal system is perceived to remedy some of these dysfunctionalities and is therefore often presented as a more viable alternative for child protection and justice issues: more accessible, quick, not expensive, and suited to cultural specificities. However, the informal system includes heightened risks of bias of the actor, lack of accountability, unilateral decisions, lack of a child rights-based approach, and a gender-blind mindset leading to serious child protection concerns. Of particular concern is that informal justice processes may burden those who are socially disadvantaged and provide a tool to pressure the weaker party. Ultimately, many of the barriers to child protection and justice that participants mentioned apply to both formal and informal justice processes, especially in situations characterized by power imbalances and feelings of distrust.

The report concludes with practical and actionable recommendations to tailor effective programmatic interventions targeting informal child protection and justice mechanisms and actors, and synergies with the formal system, in the Lebanese context:

- In order to understand the dynamics and work closely with the system, the mapping of informal actors should be subject to frequent updates.

- In order to maximize the positive outcomes that can be brought by formal and informal systems, "hybridity" should be fostered, and a comprehensive dialogue set up between the systems, aiming at constantly seeking the best interest of the child.

- The development of a country-specific monitoring and evaluation framework for child protection and child justice informal systems would document the evolution of these systems, ensure accountability, aid in gaining recognition from the formal authorities and, ultimately, would be a strong call for donors' financial investment.

- Interdisciplinary collaboration, aiming at consistent and concerted interventions, is necessary to preserve sensitive relationships with communities and key actors in the informal systems and to ensure harmonized approaches, while acknowledging and promoting diversity among and within them.

- A common advocacy terminology/narrative should be in place to stimulate the 'hybridity' of the formal and informal child protection and child justice systems. Child protection and child justice 'ecology' is to be considered broadly, emphasizing the positive commonalities of the informal and formal systems.

- Investment in tailor-made capacity building within informal systems must be prioritized in order to make a realistic impact through a tailored approach.

- A child-led approach is to be applied in all the actions of the programmatic framework, including advocacy efforts.

- Special emphasis should be placed on a gender justice approach to informal systems for children in Lebanon, considering the role of women as fundamental and thus developing means of representation in informal processes and reducing gender bias in decision-making at the local level and ensure that girls' interests are not overlooked or discounted.

- Design and develop a targeted advocacy campaign for the inclusion of diversion as a process to be regulated by Law 422/2002.

- "Structured" local-led child protection and child justice practices should be promoted through mediation, family group conferencing, and restorative justice.

- The concept of "paralegals" with actors and institutions involved in child protection and child justice informal processes in Lebanon should be developed.

- Broad but focused and contextualized action on "social cohesion" should be prioritized within informal systems, emphasizing the concrete vulnerabilities of specific child groups (i.e. gender, age, nationality, refugee status, disabilities) as identified in the Lebanese context.

- Existing services providing by NGOs that offer parental support should focus on expanding their services to include child protection and legal-related concerns within informal pathways, as well as avenues for support and protection as required.

- As an opportunity to foster child rights-based synergies and accountability, a review of the referral pathways and the "Standard Operating Procedures for the Protection of Juveniles in Lebanon" (SOPs) to include informal pathways should be carried out.

2. Background of the study

2.1. The Lebanese context

Lebanon is one of the world's smallest sovereign states with an area of 10,452 km2 and around five million inhabitants. Lebanon has had a tumultuous history, leading to the formation of a cultural mosaic and a diverse social fabric. Besides the fragile and unstable context, Lebanon is extremely diverse religiously, culturally, and politically. This diversity has complicated the development of stable political arrangements and impeded the development of a coherent national identity. Historically considered a "land of refuge," Lebanon has long been a refugee-hosting territory providing shelter to Armenians (since 1915), Palestinians (1948, 1967, and 1990), and Syrians (1980s, 2000, and since 2011) (Stevens, 2016; Jagarnthsingh, 2018). It is estimated that there are currently more than 1.5 million Syrian refugees living in Lebanon (of whom 600,000 are unregistered). Around half of this population are children under 18 years old.[7] UNICEF notes in a report, "With Syrian and Palestinian refugees making up an estimated 1,300,000-1,800,000 of Lebanon's total population, pressures to serve vulnerable populations have drastically increased in recent years, particularly during the Syrian crisis" (UNICEF, 2020, p.11).

Over the past year, the country has been facing multiple crises including a deteriorating economic situation, prolonged confinements due to COVID-19, and the Beirut Port explosion in the summer. These crises are having a significant impact on the wellbeing of children and their families, and have become important drivers behind the daily decisions taken by families. All these crises are occurring at a time as Lebanon is dealing with the consequences of a protracted crisis in Syria that continues to have a devastating toll on its civilian population and to impact host communities in the country.

This mosaic of peoples and politics has led historically to balances of power being sought through a political arrangement known as confessionalism (CJPME, 2007). Lebanon is governed under a "consociational democracy" or power-sharing system (Mallat, 1997), whereby according to a customary rule, the three key positions in the state are distributed among the three main sects: the President must be a Christian Maronite, the Prime Minister must be a Sunni Muslim, and the Speaker of the House must be a Shi'a Muslim. The political system is thus based on dividing power within public institutions along confessional lines and ensuring representation of the three main religious sects.

The prerogatives of the different confessions are mostly seen in matters concerning the Personal Status Law. The state has delegated its power of regulation in this area to religious communities (Khair, 2003). The eighteen officially recognized religious communities have the autonomy to create norms and regulate their own courts in matters related to the Personal Status Law. (Gannagé, 2001). Religious Courts are thus recognized by the state and have the monopoly to decide on disputes related to marriage, divorce, custody, guardianship, etc. In parallel to these two legal orders, community-specific faith-based or customary informal mechanisms exist to settle grievances outside the scope of formal institutions (Knox & Monaghan, 2002).

Accordingly, the justice systems in Lebanon can be classified within two main categories: first, the formal civil legal system (Mallat, 1997; Mallat & Howayek, 2013), which governs criminal law, administrative disputes, and personal damage, etc. Disputes relating to the Personal Status Law, including marriage, custody, divorce, and guardianship, are governed by religious courts. The judiciary in Lebanon is divided horizontally into four main court systems, each with a multilevel hierarchical structure: the judicial court system known as "kada' aadli," the administrative court system known as "majlis al-shura," the military court system, and the religious courts. The coexistence of different normative orders, mechanisms, and jurisdictions results in a multitude of legal norms and procedures as well as various non-codified and informal rules, offering areas of potential inconsistencies or contradiction. The complexity of the makeup of the Lebanese justice system and the lack of a unified or systematic framework, generate different understandings of child rights, child protection, and access to justice. The plurality of systems and jurisdictions also means that there are a variety of actors involved in both formal and informal systems (Carpi, Younes, & AbiYaghi, 2016), with some actors being stakeholders in multiple systems in different capacities.

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[7] See Syria Regional Refugee Response (UNHCR). Available at: http://data2.unhcr.org/en/situations/syria/location/71.

2.2. Setting the study's scene: Children's access to child protection and justice in Lebanon

The current general landscape of child protection and child justice systems in Lebanon presents different elements of complexity, leading to children's differential access to holistic preventative and protective services, and ultimately affecting their welfare and safety.

Having an accurate, solid overview and understanding of existing child protection mechanisms, especially in relation to informal access to justice, is complex given the tradition of legal pluralism in Lebanon, the diverse populations that coexist in the country and that may have limited access to child protection and justice procedures/mechanisms, and the plurality of actors involved in both the formal and the informal systems, and relatedly, the different local-level child protection systems that are often not aligned or coordinated. Indeed, both statutory (under Law 422/2002) and non-statutory actors (outside the scope of Law 422/2002) play a key role when dealing with children in particularly vulnerable situations. Non-statutory actors include community- and faith-based organizations and religious leaders, as well as non-governmental organizations and even governmental agencies. Given these conditions, it is pertinent to identify the commonalities and points of synergies between the different structures/schemes to be able to start planting the seeds for a general child protection system across different communities in Lebanon.

Nationally, the main legislation dealing with the protection of Children in Conflict with the Law or children at risk is Law 422/2002. Furthermore, while Law 422/2002 is applicable to all children in Lebanon, challenges in the implementation of the law arise in the case of non-citizens (Save the Children, 2011). Syrian children have difficulty accessing interim care institutions, while social workers mandated through Law 422/2002 face difficulties accessing Palestinian children in camps.

For the purpose of this study, three groups of children were among the research participants: Lebanese children, Palestinian refugee children living in camps or gathering,[8] and Syrian refugee children, whether registered or unregistered with the United Nations High Commissioner for Refugees (UNHCR). Nevertheless, the aforementioned groups were selected to comprehensively represent the diverse complexity in Lebanon with regard to local systems of child protection, justice actors, and mechanisms.

The formal child protection and justice system faces the challenging task of catering adequately to the various complexities and vulnerabilities of children's profiles, in combination with the demographic and cultural diversity of the different groups.

Like other sectors, the child protection context is marked by the effects of the Syrian conflict, particularly in relation to access to justice for children. The gaps in the justice system have been exacerbated, heightening the vulnerability of children entering into contact with the justice system. Particularly concerned are those suffering from specific situations such as statelessness, disadvantaged socio-economic status, or a fragile legal condition such as the children of migrant workers and refugees (El Mufti, 2015; Grandi, Mansour, & Holloway, 2018; HiiL, 2018; HRW, 2017; Insan Association, 2015; Janmyr, 2016; UNHCR, UNICEF, WFP, 2018; UNICEF; 2020).

The Lebanon Crisis Response Plan 2017-2020 notes that only 13% of displaced Syrians would notify the authorities if they were victims of assault or harassment, compared to 69% who would not be willing to seek redress. The reluctance to approach authorities is mainly due to fear of arrest because of a lack of a valid legal residency. A perceptions study among Syrian refugees showed that as many as 50% have been victims of abuse in Lebanon, and 72% of these did not seek legal remedies (Alsharabati & Nammour, 2017).

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[8] There were an estimated 470,000 Palestinian refugees registered in Lebanon according to UNRWA. Around 45% of them live in the 12 refugee camps, and the rest live in 42 gatherings across the country and other locations, mostly in city suburbs (Tdh, 2011; Hanafi, 2012; Regional Refugee and Resilience Plan, 2019). Palestinian gatherings are informal areas outside the formal Palestinian refugee camps that constitute relatively homogeneous refugee communities exhibiting humanitarian needs. This report presents findings of data collected in camps and gatherings.

In an unpublished study commissioned by UNICEF in 2012 to explore how Palestinian Children in Conflict with the Law are dealt with in Palestinian camps and gatherings, it was noted that a higher proportion of Children in Conflict with the Law are processed through informal, rather than formal systems. The choice of justice forum (formal or informal) depended largely on the type of offense committed. When juveniles were referred to the formal system, there was little follow-up or coordination. When redress was sought through informal systems, exposure to violations and violence during arrests and detention tended to be more prevalent, and specialized services were difficult to access (UNICEF, 2012).

Stateless persons, often exposed to exploitation and facing difficulties in accessing basic services due to the lack of recognition of their legal status, are also highly unlikely to seek redress through formal proceedings, fearing not only discrimination and unfair treatment, but also being detained for not having valid documents. Lebanon is not a signatory to either the 1961 Convention on the Reduction of Statelessness or the 1954 Convention relating to the Status of Stateless Persons. Many individuals in Lebanon find themselves in a statelessness situation: this is mainly due to the influx of refugees without papers and to Lebanese law not allowing women to grant their nationality to their children when married to a foreign husband. This situation leads to administrative difficulties, problems of access to education and property, as well as to the health system.[9]

The Knowledge, Attitude and Practice Study conducted by UNICEF (2017a) noted that only 21% of respondents would report a child protection issue to the formal authorities: 36% of Lebanese, 22% of Syrians registered with UNHCR, 14% of Syrians living in informal settlements, and 25% of Palestinian refugees living in camps. Of those who would report to formal authorities, 17% would report to the Ministry of Social Affairs (MoSA) or to a non-governmental organization, and 5% to local authorities. In comparison to the 21% who would report to formal authorities, 38% of respondents would report to the child's parents or caregivers, 24% would not report at all, and 11% would report to neighbors and friends.

These country figures reflect the global picture, whereby an estimated 70-90% of disputes in developing countries, including those pertaining to children and adolescents, are dealt with through informal systems (DANIDA, 2010).

In Lebanon, families and communities often rely on traditional, cultural, and religious practices to seek justice. They also tend to rely on non-statutory child welfare services provided by non-governmental organizations and government agencies that are not mandated under Law 422/2002.

However, little empirical knowledge is available regarding the functioning of the informal child protection and justice systems dealing with children or on the relations that exist between the informal and formal systems in Lebanon. Thus, the coordination of processes, the collaboration between actors, and the development of coherent child protection mechanisms present a serious challenge.

It is therefore important to explore, analyze, and disentangle the complexity of informal child protection and justice systems in Lebanon in order to provide a comprehensive picture of their functioning, including the links and synergies with formal systems. As such, non-statutory services and alternative traditional processes for dealing with children are to be closely considered. It is only based on a comprehensive mapping and assessment that adequate mechanisms and standards for child protection and access to justice, which take the plethora of children's realities into account, can be developed in ways that they are appropriate and congruent with the national child protection mechanism (Le Groupe-Conseil Baastel Ltée, 2018).

It is precisely with this in mind that this study has been carried out. Improving and strengthening children's protection and access to justice needs to take informal mechanisms into account, including the areas of interaction and/or overlap with formal systems. As has been noted before, "rule of law reform is further complicated by the fact that often justice support

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[9] See "Lebanon: Discriminatory Nationality Law, Grant Lebanese Women's Children, Spouses Citizenship Rights," https://www.hrw.org/news/2018/10/03/lebanon-discriminatory-nationality-law and "Lebanon/Syria Situation, Statelessness monthly update, July 2014, Thematic Update - Protection Update," https://reliefweb.int/sites/reliefweb.int/files/resources/Statelessness%20Update%20July%202014.pdf.

takes place in contexts of legal pluralism. Customary justice is often a prevalent feature of how disputes get resolved and may be more readily accepted, trusted and accessible by the local population than the formal justice system. It is now also accepted by many development experts that we should not assume that achieving the rule of law necessarily requires progression away from legal pluralism towards the consolidation of a state-provided unitary judicial system. This means that legal assistance needs to take account of legal pluralism" (Denney & Domingo, 2017).

2.3. Objectives of the study

This study was conducted between autumn 2019 and autumn 2020 and intends to generate evidence-based insights pertaining to the following elements:

✓ Mapping and analysis of actors and processes within the informal child protection and juvenile justice systems in Lebanon for children at risk, in contact or conflict with the law, and in particular as victims, witnesses or perpetrators.

✓ Explore synergies and overlapping elements between the formal and informal systems, particularly focused on the nature of the relationship between them (as representing two ends of a continuum, with ambivalent roles and mandates), but also their practices such as: regulatory frameworks/uncodified norms, decision-making and axes of power dynamics, referrals, case management, the determination of the best interest of the child, children's participation, role of the family, responsibility to report cases, monitoring of compliance of justice-related decisions, as well as the advantages and limitations associated with each system vis-à-vis child protection standards.

This qualitative study aims to enhance our understanding of the modi operandi of the different systems and mechanisms by exploring their different aspects, with consideration of their commonalities and dissimilarities.

The study explores five overarching research questions that are underpinned by a number of sub-questions:[10]

1. What are the informal pathways and processes used by communities in Lebanon to address cases involving child justice and protection?

2. Who are the main actors involved in the informal pathways and processes and what role do they play?

3. What are the decision-making processes in each of the informal pathways/processes?

4. What is the relationship between informal and formal child justice and protection pathways, processes, and actors?

5. What are the views and perceptions of children and genuine caregivers of the different pathways and actors?

Finally, the main objective of this research is to gather evidence that can provide a solid baseline upon which future planning would be based, including for programming and advocacy efforts in the areas of child justice and child protection across different communities in Lebanon.

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[10] See Annex 1 for the details on the sub-questions.

3. Laying out the formal and informal child protection justice systems: What do we know so far?

3.1. Formal child protection and justice systems: Key elements in the Lebanese context

Lebanon ratified the United Nations Convention for the Rights of the Child (UNCRC) in 1991. It is the most important legal instrument related to child justice because it is legally binding to those who have signed and ratified it. Nationally, the main legislation dealing with the protection of Children in Conflict with the Law or children at risk is Law 422/2002. It stipulates protection measures guided by principles of the best interest of the child to prevent and respond to children's "delinquency" and to children at risk. According to Article 2/4 of the law, the juvenile judge is the competent authority to assume the responsibility of CiCL and to ensure the implementation of the law's provisions, while relevant ministries provide all means necessary for their implementation. After assessing a CiCL and/or a child at risk, the judge can order (1) non-liberty depriving measures (blame, placement under trial, protection, supervised freedom, work for the public benefit/ for restoration to the victim) or liberty depriving measures (rehabilitation or correction) for CiCL (Art. 5, law 422/2002), or (2) measures of protection, supervised freedom or rehabilitation for children at risk (Art. 26, law 422/2002).

Nevertheless, according to experts and international organizations, practices in the country are not fully in compliance with either the UNCRC or Law 422/2002 (Save the Children, 2008; Tdh, 2009; UNODC, 2005; UNICEF; 2020; World Vision Lebanon, 2009). These deficiencies arise in the context of a highly strained public sector that is decried as inefficient, defective, and corrupt (El Dekkene, 2015; Maleeb, 2018). At the judicial level, it is mainly characterized by lengthy, arbitrary, and unfair procedures, numerous unresolved cases, and an absence of monitoring (ALEF, 2013; Tdh, 2016b). The lack of judicial independence is also a matter of concern.

In its latest assessment of the administration of penal juvenile justice in Lebanon the Committee on the Rights of the Child (2017) identified the following points as the most serious flaws: [11](i) minimum age of penal responsibility of 7 years old; (ii) strengthen the technical capacity, quality, and resources among actors and institutions specialized in juvenile justice (courts and judges, lawyers, prosecutors, social workers, and law enforcement); (iii) detention conditions are not aligned with international standards, with a particular mention of children detained on terrorism charges in the context of absence of a specialized system or monitoring and control mechanisms; (iv) lack of due process; (v) lack of adequate legal aid services for children all along the justice chain; (vi) resorting to detention of children and insufficient recourse to alternative measures to detention that take the particular needs of each child into consideration; (vii) lack of effective implementation of alternative measures to detention stipulated by Law 422/2002; (viii) failure to ensure that all children under 18 years of age are protected by the juvenile justice system, including children arrested on terrorism charges.

The Juveniles Protection System in Lebanon is officially linked to the Ministry of Justice (MoJ), by virtue of Law 422/2002, and is tasked with addressing and responding to the risk and harm to children. On the other hand, it also refers to several articles of the Lebanese Penal Code to prosecute and punish perpetrators. Judicial protection is based on the concept of "the real and potential risk" and can result in limitations to the authority of parents or guardians.

Law 422/2002 provides a prevention and response framework to address existing and potential risks. Therefore, the appropriate protection measures should be selected based on a determination of the kind and level of risk to the safety and development of the child and based on the child's needs. The judiciary is stipulated as the only authority responsible for the selection of such measures.

With regard to non-judicial processes, in some cases, the protection of a child whose wellbeing, safety, and security are at risk is conducted through a range of non-judicial measures in the spirit of Law 422/2002, which urges parents and guardians to commit to their responsibilities. However, these non-judicial measures are not clearly stated in the legislation.

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[11] For further details, see "Committee on the Rights of the Child examines the report of Lebanon"
https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21642&LangID=E.

The judge can consider them when he/she deems it appropriate to keep the issue within the family environment, when parents/guardians pledge to assume their responsibility to protect their child, or commit to reconciliation within a specific time period. The judge may retract these measures and pursue a judicial path if he/she deems that there is persistent risk. Non-judicial measures to protect CiCL or children at risk are the responsibility of the Ministry of Social Affairs (MoSA), in collaboration with local and international organizations, United Nations agencies, including UNICEF and UNHCR, and partners.

Figure 1 below illustrates the map of Children in Conflict with the Law and children at risk in Lebanon (SOPs, 2016):
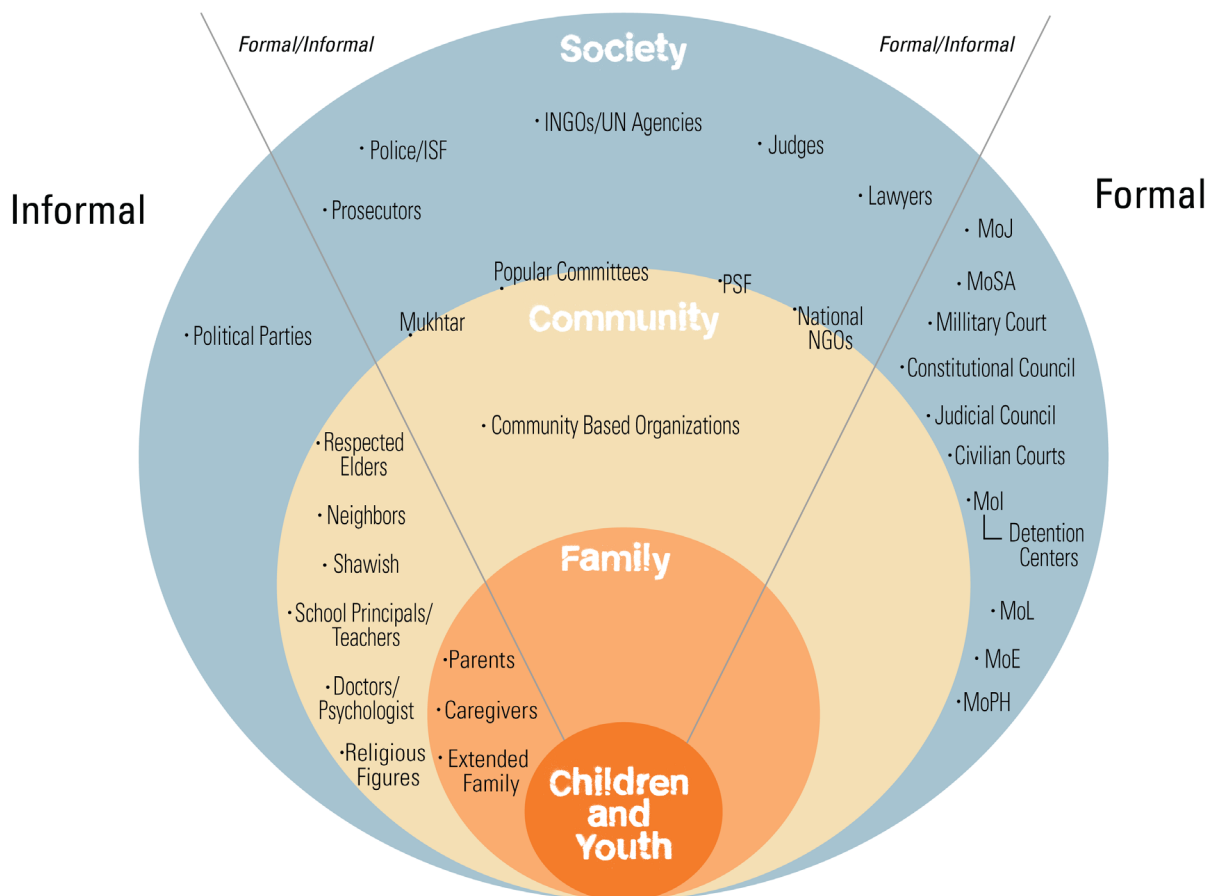
[Key: Ministry of Interior (MoI), Ministry of Labor (MoL), Ministry of Education (MoE), Ministry of Public Health (MoPH)]
Figure 1: Actors involved in the protection of CiCL and children at risk in Lebanon

Children in Lebanon are a very vulnerable segment of the population and are regularly exposed to physical, sexual, and psychological violence (World Vision Lebanon, 2009; UNICEF, 2020). Corporal punishment is tolerated when perpetrated during a conflict resolution process or by parents for purposes of discipline and education (World Vision Lebanon, 2009).

Lebanon's Ministry of Education prohibited all forms of corporal punishment of students in public schools in 1974, and in 2001 issued a detailed circular, applicable to both public and private school staff, banning corporal punishment, as well as verbal abuse (HRW, 2019). However, corporal discipline committed by parents is not criminalized. Article 186 of the Lebanese Criminal Code and Article 25/2 of Law 422/2002 explicitly permits the use of corporal punishment by parents to discipline children, as long as they are in accordance with "common practices." Previously, the article also included corporal punishment committed by teachers, but it was amended in 2014.

UNICEF identifies violence against children, child marriage, child labor, domestic violence, and armed conflict as the main sources of vulnerabilities conditioned by structural, social, and psychological drivers (UNICEF, 2020). Poor and disadvantaged children, especially refugees, stateless, and migrant domestic children are known to be at greater risk (Bartels et al., 2018; Insan Association, 2015; HRW, 2017; Mourtada, Schlecht, & DeJong, 2017; The Legal Agenda, 2014, UNICEF, 2017b; UNICEF, 2020; UNHCR, UNICEF, & WFP, 2018). They are much more likely to engage in dropping out of school, drug and alcohol use, and other problematic behaviors, but are also more exposed to violence related to lack of living space, tensions with Lebanese people, or socio-political conflict and the international context (HiiL, 2017, 2018; Tdh, 2009, 2011). Lack of access to justice constitutes an additional vulnerability exacerbated by their fragile socio-economic, political, and legal status.

Palestinian and Syrian children's access to child protection and justice has additional layers of complexity, compared to Lebanese children. Tdh's research on informal justice systems in the Palestinian refugee camps and gatherings (2011) emphasizes that referral to the formal justice system for Palestinian refugee children entails leaving the camp and the context that they are familiar with, including their friends and family. According to this research, criteria determining how issues are resolved and what sanctions are mandated in informal systems are the child's age, the type of offense, cases of recidivism, their status, and the influence (wasta) of the family. There are similar findings in Tdh's research on informal justice in Syrian settlements in Lebanon (2019), where participants interviewed affirmed that they avoid resorting to the formal justice system at all costs, due to lack of legal residence and risk of being criminalized, in addition to being discriminated against and mistreated by formal officials. This was the case regardless of the severity of the matter concerned.

Migrant and refugee children and adults tend to avoid contact with the Lebanese formal justice system as much as possible. This applies especially to the poorest and most disadvantaged groups among them, who view formal mechanisms and actors as untrustworthy, corrupt, and deeply discriminatory (ALEF, 2013; Tdh, 2011). In these circumstances, referral to informal child protection and justice mechanisms is perceived as the only option.

3.2. Informal child protection and justice systems: Laying out the main features of the Lebanese context

Informal systems are mostly based on unwritten norms, entailing different normative frameworks based on customs, traditions, religious codes, etc., and can even contain some elements of national or international legal frameworks. In this context, it is difficult to determine what is considered a crime or not, and consequently what the status of victim, witness, or offender implies (Tdh, 2011, 2019a). These processes may be run by traditional or religious authorities, elders, or other community members. In the Lebanese context, it is crucial to recognize that this definition must include actors who participate in informal justice mechanisms, but who also have roles in formal justice or law enforcement systems (i.e. judges or judges of religious courts). It is important to emphasize that formal and informal should be understood as representing two ends of a continuum and that there may be elements of overlap between the formal and informal systems. Ambivalent roles and mandates make it challenging to clearly define specific components. Elaborating the nature of the relationship between these systems represents an important issue.

International child justice guidelines have come to recognize the legitimacy of informal systems, for example, the United Nations Guidance Note of the Secretary General (2008) acknowledging that informal systems may be "less intimidating and closer to children both physically and in terms of their concerns." Guided by international standards, including Article 40 of the UNCRC, and with a view to maximizing children's protection from violence, states are urged to "develop and use effective alternative mechanisms to formal criminal proceedings that are child- and gender-sensitive. These alternatives include diversion, restorative justice processes, mediation, and community-based programs" (SRSG/VAC, 2013, p.3). The most recent UN document on children's rights in the justice system, General comment No. 24 (2019) on children's rights, covers "children in customary, indigenous or other non-State justice systems" and encourages reform of both systems of the justice sector (UN, 2019). Furthermore, considering that in many cases these informal systems represent individual and collective identity of indigenous populations, recognition of such systems can contribute to respect for the traditions and identities of indigenous communities (UN, 2019; UNDP, 2006).

NGOs providing support in the field of justice mainly concentrate their efforts on supporting formal justice systems (IDLO, 2011; Tdh, 2016b). The engagement of NGOs with informal child protection and justice actors can be controversial due to negative perceptions attached to informal systems (Tdh, 2016c, 2017; DANIDA, 2010). These are related to the perception of incompatibility with a "modern state" or international legal standards approach, discrimination and exclusion of marginalized groups (e.g. women, children, and minorities), lack of predictability or coherence in decision-making, weak procedural safeguards, corruption and abuse of power, lack of accountability or enforcement capacity, and lack of respect for human rights and criminal justice standards leading to brutal punishments (Tdh, 2016c, 2017; DANIDA, 2010; IDLO, 2011).

Whether NGOs engage with informal systems or not, however, informal justice remains the predominant form of dispute settlement. An estimated 70-90% of all disputes in developing countries are resolved through the informal justice system (DANIDA, 2010; UNDP, 2006). Therefore, focusing only on the formal justice system is insufficient if interventions are to include all segments of society and their access to justice (DANIDA, 2010; Tdh, 2017; UNDP, 2006; UNDP, UNICEF, & UNWOMEN, 2012). Thus, in recent years, NGOs have started focusing on informal systems and orienting their programs to ensure the protection of children's rights including in their access to justice within these systems (Tdh, 2016c; UNDP, 2006; UNDP, UNICEF, & UNWOMEN, 2012).

When developing interventions on informal child protection and justice systems, it is essential to consider the importance of creating bridges of dialogue between formal and informal actors (Tdh, 2016c; IDLO, 2011; HiiL, 2017; UNDP, 2006). Tensions exist between the centralized and hegemonic state justice, on the one hand, and the codes and standards of community-based child protection and customary justice, on the other. The latter are sometimes considered incompatible with children's rights, the rule of law, or good governance (IDLO, 2011). To overcome these divisions, it is important to focus on each context, building specific contextualized programs based on a thorough understanding of local conflict resolution mechanisms and actors, aiming at progressively harmonizing between state and non-state child protection and justice practices. Although there are some important reports on informal child protection and justice mechanisms, the literature rarely refers to children as a specific group with concrete needs, and hence there is a need for actions designed and implemented for and with them (UNDP, UNICEF, & UNWOMEN, 2012).

The literature indicates that informal systems are mostly used by people living in rural areas or poor people living in urban cities (DANIDA, 2010). In this respect, it should be noted that informal systems are often the only viable way of resolving conflicts and pursuing justice in places where the formal system is defective and corrupt and perceived as discriminatory and untrustworthy (Ajil, Jendly, & Campistol, 2020; IDLO, 2011; Tdh, 2009, 2011, 2016c, 2019; UNDP, 2006). It is particularly the case in refugee camps where formal actors are often absent or only have indirect influence (Tdh, 2011; HOPe, 2017).

Informal systems further present the following characteristics:

- They are geographically nearer to their hometown in the sense that informal actors live or work in the same village, neighborhood, or refugee camp where people live, in comparison to the often centralized courts or police stations in the capital or district (Tdh, 2016c; DANIDA, 2010; IDLO, 2011). In some circumstances (post-conflict contexts or refugee camps), informal pathways arise as the only viable access to justice. In Lebanon, both civilian and religious courts are only available in the main cities: Saida, Tyre, Beirut, and Mount Lebanon.

- They are culturally closer to their users in terms of the manners applied, the vocabulary used, the language spoken, and the settings where conflict resolution takes place, as opposed to the formal and solemn atmosphere of the courts where users lack understanding of the language used due to low legal literacy (Tdh, 2016c; DANIDA, 2010; HOPe, 2017; IDLO, 2011; UNDP, 2006; UNDP, UNICEF, & UNWOMEN, 2012).

- The informal system procedures are familiar to the community in the sense that procedures are simple and known to its members (Tdh, 2016c; IDLO, 2011; UNDP, UNICEF, & UNWOMEN, 2012), in contrast with the complexity, distance, mistrust, and fear that is evoked in the face of the unfamiliarity with formal procedures (UNDP, 2006).

- They are economically cheaper while formal justice procedures can sometimes lead to high costs (Tdh, 2016c; UNDP, 2006).

- Informal processes and decisions take place quickly and efficiently after the dispute takes place, as opposed to the slowness of formal procedures (Tdh, 2016c; IDLO, 2011). For instance, in the Palestinian camps in South Lebanon, the short duration of the proceedings at the informal level was one of the main reasons that community members, including children and adolescents, mentioned for resorting to informal processes. On average, children's disputes are resolved in less than one week (Tdh, 2019b).

- Informal pathways are used to handle a wide range of different disputes, without distinction between civil and criminal cases (UNDP, 2006). They particularly deal with those issues of primary concern such as land disputes, property conflicts, family matters, and minor criminal cases in contrast to the specificity of each of the different courts and the exclusive dedication to issues of a certain gravity (HiiL, 2017; Tdh, 2011).

- Informal actors consider the dispute as an act affecting the social balance of the community and not only the interest between two individuals as is generally the case in the formal system (Kuhn, 2005; Tdh, 2011, 2016a; Zehr, 2015). Therefore, efforts to satisfy the interest of the collectivity as a whole are privileged, sometimes at the expense of the best interest of the child, as community harmony is seen by informal actors, community members, and even families as a priority over children's rights (Tdh, 2019b).

- In this perspective, informal processes are more likely to implement procedures and decision-making seeking the re-covery of social balance, restoration of the harm caused to the victim and directly or indirectly to the community, and reconciliation among the parties involved, whereas the formal system is still very oriented towards the principles of retributive justice (DANIDA, 2010; IDLO, 2011; Tdh, 2011, 2016c; UNDP, 2006).

- Informal actors apply dispute resolution processes where they allow for a higher degree of participation and involve-ment of the parties (UNDP, 2006) than in the formal justice system where, for example, the victim's participation is usually neglected (Lauwaert & Aertsen, 2015; Sullivan & Tifft, 2006; Walgrave, 2009).

- Informal decisions are, in general, legitimized and accepted by the community in contrast to judicial formal decisions that often do not satisfy the expectations of the parties or the larger community and are often questioned (Tdh, 2011; UNDP, 2006; UNDP, UNICEF, & UNWOMEN, 2012).

- Informal actors, leaders, or arbitrators are appointed according to their status or lineage (age, gender, ethnicity, social class) and, more problematically, according to their influence and relationships (wasta), whereas in the formal justice system, judicial authorities are supposed to be appointed after undergoing different degrees of higher education in law, passing demanding exams at state level, and showing specific skills (UNDP, 2006; UNDP, UNICEF, & UNWOMEN, 2012). Informal actors are usually unpaid or receive little remuneration but may rely on gifts or bribes, which are likely to influ-ence conflict resolution processes and decision-making (Tdh, 2011; UNDP, 2006; Campistol et al., 2017).

- Informal disputes generally rely a on hierarchy of problem-solving fora. This means that problems are resolved by actors from one's environment following the logic that smaller disputes might be resolved by extended family members (elders of the family for example) and more complex disputes might be referred to a village-level forum (traditional or religious leader for example) (IDLO, 201). In the Lebanese context, the family is considered the primary unit of protection and efforts are focused on preserving the dignity of the family and the child (Child Frontiers, University of Saint Joseph, & UNICEF, 2010). In the formal system, disputes are attributed to an unknown judge without any connection to the person involved in the issue.

- Informal processes are dynamic and flexible in the sense that they are not protocolized nor standardized, and rules of evidence are adaptable (IDLO, 2011; UNDP, 2006). In opposition, the formal procedures are highly regulated, predeter-mined, and offer guarantees and principles to the judicial process.

- Resorting to informal pathways allows avoiding contact with the formal child protection and justice systems. For Children in Conflict with the Law, it is above all a question of avoiding possible detention and staying with their families/communities. For all, informal systems might also limit related violence and stigma associated with contact with the formal child protection and justice system for the child or for the family (Tdh, 2016c).

- Informal procedures and decisions are not always consistent with human rights standards, including child rights (right to be legally represented or right to be heard) such as in the pronouncement of cruel punishments, unlike the formal justice system where care is taken to ensure that the human rights approach is a benchmark (IDLO, 2011). The most vulnerable, including women, children, and minorities may face discrimination in the resolution of disputes (Tdh, 2016c; ICHRP, 2009; IDLO, 2011; UNDP, 2006; UNDP, UNICEF, & UNWOMEN, 2012).

- Decisions handed down in informal systems are enforced through social pressure, while in the formal justice system there are institutions or departments in charge of the application and execution of sanctions (UNDP, 2006).

In light of the elements presented above, it is now recognized that strengthening child protection and access to justice takes time and cannot be achieved through top-down attempts to reform informal systems, which often make little sense, geographically, culturally, economically, or socially for many people, and especially for the most disadvantaged (Tdh, 2016c). Bearing in mind, also, the challenges and limitations associated with informal mechanisms when involving children, this study gathers the views, voices, and experiences of those who get involved in informal child protection and justice mechanisms in the Lebanese context.

4. Methodology

4.1. A qualitative study process around children's voices

This study is based on a qualitative design to explore the points of view of children, their families, informal actors, and community members about the informal mechanisms of the child protection and child justice system, exploring also the interactions between the informal and formal systems. The aim here was to collect testimonies of people who have been involved in the informal child protection and justice process. Sustained attention is given to the voices of children and their families because they are the main users of child protection and justice systems as they relate to their particular needs and problems. It is considered of the utmost importance that the meaningful participation of children and their families and caregivers were specifically considered in the study questions, and hence answers provided. Without feedback and in-depth knowledge from them, system-building and individual proposed improvements and solutions cannot be adequately configured. As shown in Figure 2 below, this study is part of a co-production of knowledge from below on informal child protection and child justice mechanisms.
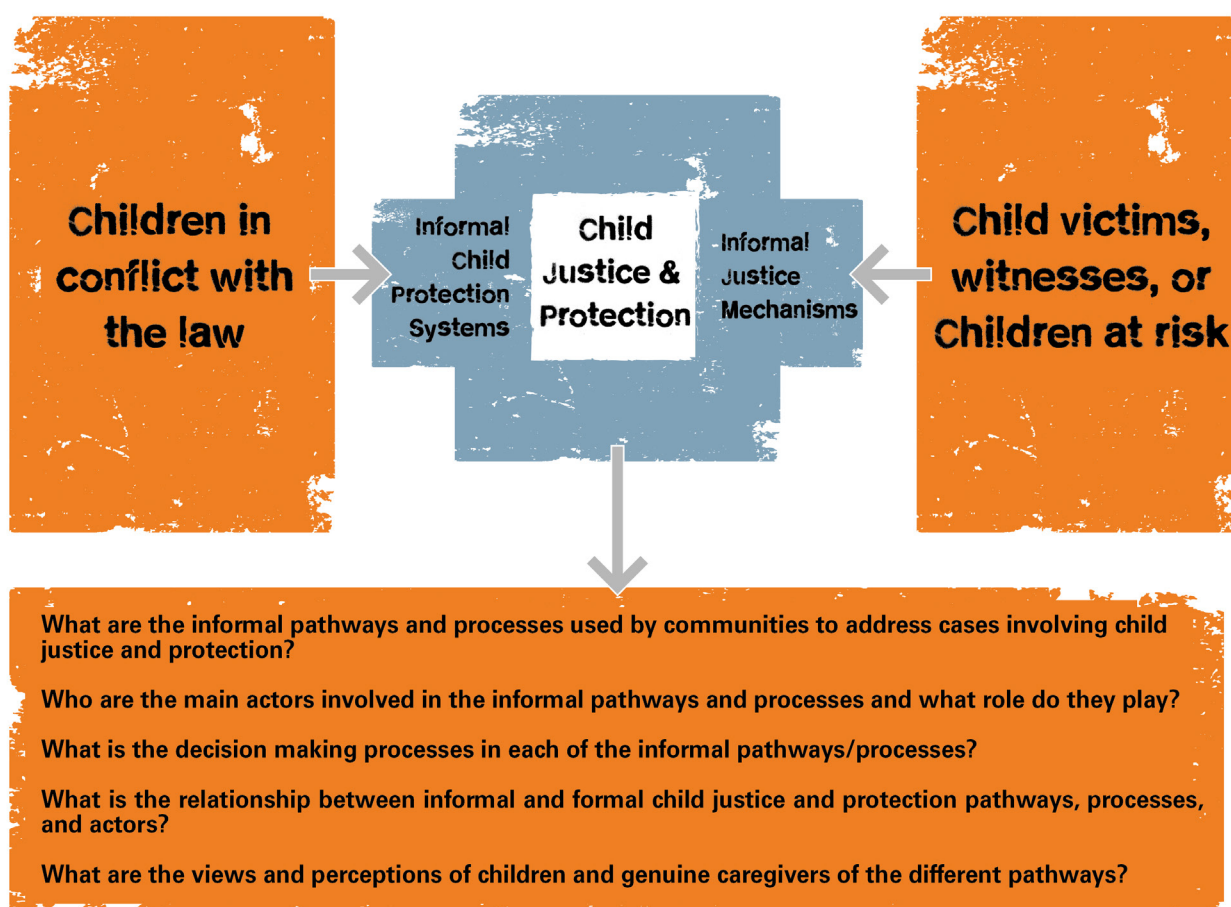
Figure 2: Study overview

4.2. Theoretical and analytical framework: Political Economy Analysis

A political economy analysis (PEA) looks into the political, institutional, and relational elements to explore how change in the rule of law and international development is shaped and integrated by the interaction of political and economic relationships (Denney, 2016; Denney & Domingo 2017; Fritz, Levy, & Ort, 2014; Harris, 2013). Essentially, a PEA is about understanding how context-specific factors and power relations drive change. It provides a framework to consider "the incentives, relationships, distribution, and contestation of power between different groups and individuals" (Mcloughlin, 2014, p.1). Applying a PEA approach to child protection and access to justice issues allows for a more holistic comprehension of the problems, their nature, and the appropriate strategies that might effectively address them.

This framework draws on the work of Denney and Domingo (2017), which uses a PEA approach to child protection and justice called "child protection and justice chain analysis," and it looks at both informal and formal child protection and justice systems and/or mechanisms.

The PEA framework provides for two stages. Firstly, the child protection and access to justice pathways for children are identified and broken down. In the second stage, the "structural and institutional impediments to reform" (structures), as well as "the interests, incentives and capacity for action of different stakeholders" (agency) are determined and then analyzed (Denney & Domingo, 2017, p.11).

The first stage of the PEA framework requires a breakdown of different protection and justice pathways that children experience. Figure 3 presents a generic example of a model visualization of routes that children are anticipated to take. The formal system is broken down into the phases of reporting, investigation, charge/trial, conviction/appeal, and outcome. Community-based dispute resolution mechanisms and child protection processes are broken down into various stages: reporting, referrals, adjudication/mediation, actions, and outcomes.
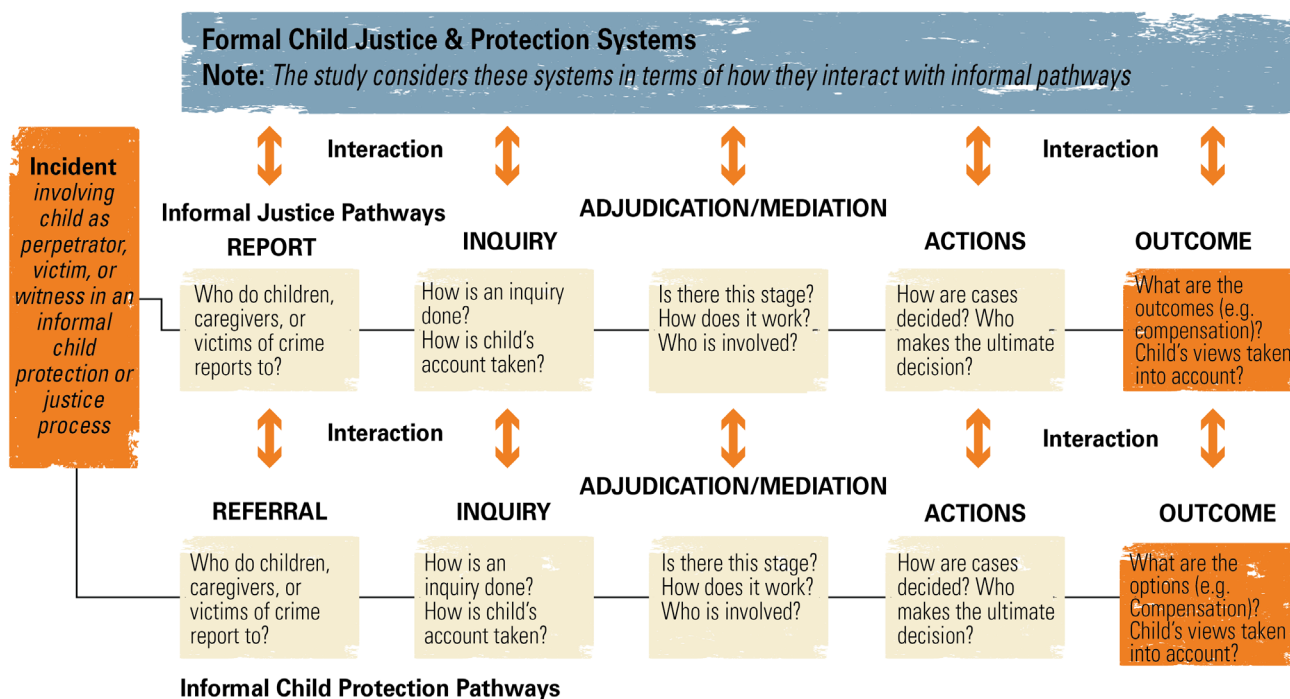
Figure 3: Identifying and breaking down the different informal pathways

As presented in Figure 4, once the pathways have been disaggregated, the second stage of the PEA analysis moves onto unpacking the political economy of each by exploring the broader socio-political factors affecting the different actors and stakeholders. The method looks at the power dynamics between different actors on both the levels of structure and agency. «Structures refer to the institutional and deeply ingrained factors and features that determine the rules of the political game, while agency refers to the power or will of different actors over a particular issue.

Political Economy Analysis Components

Structures and institutions	Behavior of individuals & groups
Analysis of:	**Analysis of:**
• Long-term contextual features and historical legacies in Lebanon, such as geopolitics, culture, and social structure.	• The interests, incentives and ideas that motivate or shape individual or group behaviour.
• The "rules of the game": Formal institutions, including laws and regulations and informal institutions, such as social, political, and cultural norms, that shape power relations and economic and political outcomes.	• The types of relationships and balance of power between individuals and groups.

As designed by Denney & Domingo (2017)

4.3. Study principles

This study is underpinned by the following four intertwined research principles, which drove the approach adopted at all stages:

Action-oriented research defined as generating knowledge through applied collaborative research — in this study, formal and informal justice actors and community members, including children and adolescents — that can simultaneously contribute to local communities and add to general knowledge;

Participatory research targeted actors affected by the information collected (and by implementation of recommendations based on study) and fully involved them in the research process;

Children-centered research follows one of the crucial principles of child protection. This approach guaranteed that children were the focus of design, implementation, and evaluation of efforts addressing their situation. Appropriate child-friendly tools were designed to safely access children's ideas, thoughts, and memories in their own words.

Consideration of the age, gender, and nationality of children and adolescents, along with their living circumstances, played a crucial role in the development of tailored methodology and tools for the interviews and focus group discussions. The main objectives of the child-friendly tools were to enhance their meaningful participation and ensure the expression of thoughts and feelings in a safe environment. The following child-friendly tools were used: (i) ice-breaking games, intending to "warm up" the groups by helping the members get to know one another and create a positive and friendly environment (i.e. name games, energizers, etc.); (ii) recreational interactive activities enabling participation and expression of opinion on different questions (quiz games, voting activities, drawing, etc.); (iii) sharing of fictional stories in order for children to provide their feedback and comments on a "third person" and avoid any personal associations. This method allowed the children and adolescents to project and reflect their stories and their ways of dealing with them, without being stigmatized and/or re-victimized. The stories were chosen based on the themes brought up during initial discussions by the children and adolescents (i.e. discrimination, racism, bulling, sexual harassment, etc.). Finally, (iv) child-friendly activities for the provision of feedback and complaints (accountability mechanism) at the end the interviews and focus group discussions (drawing, quiz games) were carried out. All of the above tools contributed to better understanding the reactions and feelings of children and adolescents, and the various factors underlying which pathway they prefer to take in order to deal with their issues (whether they choose formal and/or informal mechanisms).

Gender sensitive research was mainstreamed into each component of the study (identifying the problem, defining the conceptual and analytical framework, selection of methodology and development of tools, data analysis, and dissemination of research findings).

4.4. Ethical considerations

An Ethical Protocol for the study was developed and it has accompanied the research design, the data collection, and analysis process. In addition, the Ethical Protocol was reviewed and validated by UNICEF and by an external Ethical Review Committee (ERC) convened for this study made up of Patrick O'Leary (University of Griffith, Australia) and Philip Jaffé (University of Geneva, Switzerland; member of the Committee on the Rights of the Child). The Ethical Protocol complies with UNICEF and Tdh standards for research involving children (UNICEF, 2015, 2016, 2020b; ECPAT, 2019; CP MERG, 2012; Mfutso-Bengo, Masiye, & Muula, 2008; Powell et al., 2012; Schenk & Williamson, 2005; Tdh, 2011, 2013, 2017, 2019a, 2019b;). The Protocol is underpinned by the fundamental principles of the UNCRC, as well as the following, well-established, four core principles applicable to research involving children:

- **Respect** — respect of the variety of children's experiences, cultural backgrounds, and perspectives;

- **Beneficence** — promoting the wellbeing and interests of children and ensuring that the study benefits them;

- **Non-maleficence** — ensuring that the study does no harm, either through action or omission, and puts in place measures to mitigate any possible harm to all participants, but in particular to children;

- **Justice** — balancing the burden of participating in the study and its benefits to ensure there is justice for children.

The Ethical Protocol also addressed the following key areas (for all participants): informed consent, confidentiality and privacy, child protection concerns and referrals, data management and security, complaints, and the involvement of the Ethical Review Committee (ERC) at different stages of the process. The ERC's role was to ensure the ongoing respect and protection of participants' rights through provision of expert guidance on ethical issues, scrutinizing and approving the Ethical Protocol, and advising if any difficult ethical problems arose during or after data collection.

The period in which the study was carried out was a particularly challenging one in Lebanon: popular uprising and unrest in Lebanon in relation to the strained economic situation and political instability; the global pandemic Covid-19, which led to the imposition in March 2020 of various distancing and hygiene-related measures, in addition to house confinements and lockdowns throughout the country; the unprecedented political crisis at the government level; and the devastating blast in the port of Beirut in August 2020. All of the above has led the country to a multi-layered, complex, and truly unprecedented humanitarian crisis. Faced with this convoluted national scenario, adjustments were made to the development of the study, at various stages, but in particular the data collection stage, and efforts redoubled to firstly, prioritize the security and safety of the study participants and in-field researchers and secondly, generate solid findings that fully comply with the ethical standards laid out for the research. The Ethical Protocol was adjusted several times to accommodate the aforementioned challenges, always mindful of the standards of the ERC and of UNICEF.

4.5. Data collection

In parallel with an ongoing desk review, three qualitative tools were designed and analyzed utilizing political economy analysis (PEA) as a theoretical and analytical framework (Denney, 2016; Denney & Domingo, 2017): the key-informant interview (KII), the focus group discussion (FGD), and the case study (CS). Any relevant quantitative data identified during the data collection process and during the course of the literature review was also incorporated. In addition, qualitative data collected from Palestinian and Syrian communities and children as part of studies conducted by Tdh in Lebanon during 2019 (Tdh, 2019a, 2019b) were factored in, given their relevance and linkages with this study. In this way, this study has been the subject of an iterative process through constant back-and-forth between the literature and the data collected (ACAPS, 2011, 2012; ALNAP, 2016; Handicap International, 2017; FHI, 2005; Tdh, 2012).

The following data collection tools were designed for the study:

✓ Key informant interviews (KIIs): Individual interviews with selected representatives from among state actors, as well as non-state/informal/community actors.

✓ Focus Group Discussions (FGDs): Collective interviews that targeted groups of family and community members (in particular, community gatekeepers), as well as groups of children and adolescents.

✓ Individual interviews (IIs): Individual interviews mainly with parents/caregivers/caretakers, as well as with children and adolescents. Due to the very specific limitations of access given the multi-crisis context in Lebanon, some individual interviews with parents/caregivers were done via phone, while, in order to preserve high ethical and quality standards, all interviews with children and adolescents took place in person, complying with the Child Safeguarding Policy and due precautionary measures related to Covid-19.

These tools were developed and then adjusted according to their suitability to the particular needs of respondent groups. For example, questions were developed specifically for children and adapted depending on the age, the level of maturity, the nationality, the geographical location of the child, and the type of issue discussed (criminal case, gender-based violence, etc.).

Comprehensive and child-friendly information was provided to all participants in the study, and consent was obtained before interviews through the data collection tools described above. A Research Protocol was produced, and this was validated by UNICEF and the ERC. It contains the information sheets and the consent forms developed and utilized in this study.

Study participants by respondent group are described as follows in Table 1.

Participants by Respondent Group	Data collection tool
Formal justice & law enforcement stakeholders: Relevant ministries, social workers, Union for the Protection of Juveniles in Lebanon (UPEL) and other statutory and non-statutory organizations, lawyers, judges, prosecutors, police, judges of religious courts, Mukhtars.	KIIs / FGDs / CSs
Community-based dispute resolution stakeholders: Faith-based actors, community elders and leaders (men and women), Shawish.	KIIs / FGDs / CSs
Civil society stakeholders consisting of NGOs and members of wider civil society.	KIIs / FGDs / CSs
Children and adolescents who have been involved in the informal system and/or community-based dispute resolution and child protection mechanisms.	IIs / FGDs
Family members consisting of parents, grandparents, guardians, and other genuine caregivers.	FGDs / IIs / CSs

Table 1: Study participants and data collection methods applied

4.6. Sampling framework

The study used non-random, non-probability sampling methods, starting with snowball sampling (a non-random sample in which the researcher meets an interviewee through the information received by another interviewee) and then purposive sampling (a non-random sample in which the researcher mobilizes a large variety of methods to obtain interviews with difficult to reach individuals)(ALNAP, 2016; Handicap International, 2017; FHI, 2005)

Both sampling techniques are particularly relevant for this type of qualitative research because they support the identification of individuals who may be hard to reach, given that they operate largely outside of formal structures. Moreover, purposive sampling is often used to identify particular types of cases for in-depth investigation to gain a deeper understanding of different types of child protection cases (ALNAP, 2016; Handicap International, 2017; FHI, 2005).

The mapping and selection of targeted actors was based on contacts and trustworthy relations established by Tdh. These gatekeepers suggested other actors on the ground whom they considered relevant according to the research objectives and their role or position. The main criteria used in the identification of the research cohort are the following: (i) to be an individual involved in dispute resolution that occurs outside of or in parallel to formal justice mechanisms; (ii) the individual's likelihood/propensity to deal with children's cases; (iii) religious and political affiliation; (iv) sex; (v) the individual's willingness to participate and share information and to respect children's anonymity.

Table 2 below illustrates the sample overview according to geographical location covered, type of study participant, age, and sex.

Table 2: Sample overview of study participants

		Lebanese			Syrian			Palestinian			Total
		I	FGD	CS	I	FGD	CS	I	FGD	CS	
Lebanon	Female	42	25	3	8	29	3		17	2	129
	Male	14	15	5	8	9	5	4	7	3	70
	6 to 17	5	31	8	11	27	8	1	3	5	99
	18 to 24										0
	25 to 34	2									2
	35 to 44	17	5		1	9		1	12		45
	45 to 54	31	4		3	2		2	9		51
	55 to 60	1			1						2
	Community Members	10			5			3	5		23
	KII	40									40
	Caregivers	1	9			11			16		37
	Adolescents	5	31	8	11	27	8	1	3	5	99
	Lebanon overall	56	40	8	16	38	8	4	24	5	**199**
	Per Governorate										

Region	Category										Total
Beirut	Female	19			1	2	1				23
	Male	2		2	2	1	1	1		1	10
	6 to 17			2	3		2	1		1	9
	18 to 24										0
	25 to 34										0
	35 to 44					3					3
	45 to 54	21									21
	55 to 60										0
	Community Members	2									2
	KII	19									19
	Caregivers					3					3
	Adolescents			2	3		2	1		1	9
	Total Beirut	21		2	3	3	2	1		1	33
Mount Lebanon	Female	8		2							10
	Male	3		1			1				5
	6 to 17			3			1				4
	18 to 24										0
	25 to 34										0
	35 to 44	8									8
	45 to 54	3									3
	55 to 60										0
	Community Members	3									3
	KII	8									8
	Caregivers										0
	Adolescents			3			1				4
	Total Mount Lebanon	11		3			1				15
Bekaa	Female	3	1		3	2	1				10
	Male	2			1						3
	6 to 17	2			3		1				6
	18 to 24										0
	25 to 34	2									2
	35 to 44					2					2
	45 to 54	1	1								2

Region											Total
	55 to 60				1						1
	Community Members	1			1						2
	KII	2									2
	Caregivers		1			2					3
	Adolescents	2			3		1				6
	Total North	5	1		4	2	1				13
South	Female	3	16		1	17	1		17	2	57
	Male	3	7		1			3	7	2	23
	6 to 17	1	15		1	11	1		3	4	36
	18 to 24										0
	25 to 34										0
	35 to 44		5			4		1	12		22
	45 to 54	5	3		1	2		2	9		22
	55 to 60										0
	Community Members	2			1			3	5		11
	KII	3									3
	Caregivers		8			6			16		30
	Adolescents	1	15		1	11	1		3	4	36
	Total South	6	23		2	17	1	3	24	4	80
Nabatiyeh	Female	1	8			8					17
	Male	2	8		1	8					19
	6 to 17		16			16					32
	18 to 24										0
	25 to 34										0
	35 to 44	2									2
	45 to 54	1			1						2
	55 to 60										0
	Community Members	1			1						2
	KII	1									1
	Caregivers	1									1
	Adolescents		16			16					32
	Total Nabatiyeh	3	16		1	16					36
	Female	8		1	3						12

Akar									
Male	2		2	3	3				10
6 to 17	2		3	4	3				12
18 to 24									0
25 to 34									0
35 to 44	7			1					8
45 to 54				1					1
55 to 60	1								1
Community Members	1		2						3
KII	7								7
Caregivers									0
Adolescents	2		3	4	3				12
Total Aakar	10		3	6	3				22

4.7. Data management and analysis

The data collected using the tools outlined above were systematically transferred to an electronic format and uploaded to research management software (Deedose[12] and MaxQDA[13]). These software packages are particularly well suited to qualitative data where there is a need for cross-sectional analysis.

The data was transcribed by interviewers into digital form using interview notes since the interviews/sessions could not be recorded. The information — i.e. interview and FGD transcripts, demographic data, and case summaries — was stored in the form of Microsoft Word and Excel files on a secured platform.

After completion of the data collection process, an overview of the collected data was created in the form of an Excel sheet, covering the most important aspects of the interview (e.g. location, type of tool), as well as the interviewee (e.g. role, age, gender, nationality). Interview transcripts were compiled into a MaxQDA database and transformed into codable html documents.

Documents were coded using a predominantly inductive process, meaning that codes were developed solely based on the collected data and not actively added via external literature. Coding in this way can be seen as an "iterative, inductive, yet reductive process," which consists of breaking data down and organizing it in order to "construct themes, essences, descriptions, and theories. Coding […] is what transports researchers and their data from transcript to theory" (Walker & Myrick, 2006, p.549).

Coding was broken up into three phases, namely open, axial, and theoretical coding (Strauss and Corbin, 1990). Firstly, open coding consists of analyzing each interview sentence-by-sentence or paragraph-by-paragraph depending on how it was transcribed. The same sentence or paragraph usually allowed for several codes. Codes were developed both based on a strictly semantic reading (e.g. "NGO," "judge") or a textual interpretative reading (e.g. "racism," "avoid formal system").

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[12] Dedoose is a cross-platform app for analyzing qualitative and mixed methods research with text, photos, audio, videos, or spreadsheet data: https://www.dedoose.com.

[13] MaxQDA is a software package for qualitative and mixed methods research. It is used to analyze texts, images, audio and video files, websites, tweets, FGDs, or survey responses: https://www.maxqda.com.

Each code was added to the code list and therefore available for the coding of subsequent interviews. In a second step, after transcribing and coding all interviews, the research team proceeded to axial coding, i.e. comparing codes with each other and comparing categories with sub-categories, in order to organize the codes and analyze their interrelations. Finally, theoretical coding consisted of organizing categories conceptually in order to gain a level of abstraction from the empirical data and to develop concepts and theories.

The transcripts of interviews were analyzed first separately, and then collectively in a second step (using the coded segments) to identify patterns and themes, i.e. "statement[s] of meaning that [run] through all or most of the pertinent data" (Ely et al., 1991, p.150). While engaging in depth with each interview and proceeding in a mainly inductive manner, the research team also sought to maintain what has been called theoretical sensitivity (Birks & Mills, 2015) regarding the context and the objective of the research project, namely child protection and access to justice for children. This allowed for the data analysis process to remain relevant to the study context, while remaining grounded in the data collected.

Overall, data analysis was embedded in a multiperspectival approach. The concepts and theories that resulted from the analytical process were discussed among the study team, as well as cross-checked with some of the study participants in order to examine their relevance to actors with different competencies and backgrounds.

4.8. Limitations

Despite the precautions and efforts taken to limit the methodological issues that might undermine the study, limitations do exist and must be taken into consideration. As mentioned in the Ethical considerations sub-section (4.4), the study encountered some unexpected limitations of access to the study participants. This was due to constraints related to the very particular socio-economic and political context in Lebanon, which led to several popular uprisings and a generalized environment of discontent, tension, and violence; in addition to the health-related measures imposed because of the global pandemic Covid-19; the unprecedented political instability in relation to the Lebanese government; and, finally the devastating explosion in Beirut's port in August 2020. The study was conducted in a critical and complex multi-crisis context. It is worth noting that limitations due to the interlinked aforementioned reasons were not only related to physical access but also to the very difficult individual situation that most of the participants were or could be in, such as potential increase in the risks of exposure of children to violence (UNICEF, 2020b). Access to the research site was therefore logistically obstructed for several weeks. It was also restricted in order to guarantee respect for the ethical conditions of research in such exceptional circumstances (UNICEF, 2015, 2020b).

The other main limitation is that despite a large sample and the cross referencing of the points of view of various populations across Lebanon through several qualitative tools (data triangulation), the findings cannot be fully generalized. Notwithstanding the special attention to limit bias, notably by paying attention to the different "entry points" during sampling processes, piloting tests, and considering the diversity of social, political, and economic groups, these qualitative sampling techniques have limitations as they cannot produce a complete representation of the population.

Specifically, there is a limitation of not representing the voices of stateless children in this study, due to difficulties in identification and outreach to this specific group as a result of the lockdown and curfew because of Covid19 that led to adaptation of the data collection methodology.

However, the methodology employed allows an in-depth understanding of social perceptions and behaviors (Kvale & Brinkmann, 2009; Robson, 2011). This is particularly relevant with regard to informal child protection and justice practices, which take very heterogeneous forms and vary greatly among contexts, as well as from one actor to another (IDLO, 2011; ICHRP, 2009; Tdh, 2011, 2019; UNDP, UNICEF, & UNWOMEN, 2012; UNDP, 2006). While the results of the research highlight numerous and varied positions, this report attempts to account for the common points most frequently observed through the KIIs, FGDs, IIs, and CSs. In other words, the data collected present a certain variety of profiles, backgrounds, and geographical regions and, although it is impossible to be exhaustive, this variety is promising for a multiperspectival study of the phenomenon and for identifying possible avenues for reflection and further intervention.

5. Findings: Informal child protection and child justice systems in the Lebanese context

> *"Because there is no one single formal national system that combines all the systems or pathways that exist in Lebanon for children, people need to be organized somehow... so they choose the informal way, that's closer to them. They look for the leader in the village, knowing that civil society actors are more active and present on the ground than public institutions. [...] The informal pathways, in general, are considered safe and good by the communities."*
>
> **(KII, Representative, MoSA)**

In this section, the findings derived from the data will be presented and analyzed. First, a general impression of the data will be provided using illustrations of the codes, their frequencies, and their overlaps, followed by the mapping of informal actors in Lebanon as understood and perceived by study participants and significantly iterated with the desk review analysis.

Based on the analysis of the data and the recurring topics, five principal themes were identified: (i) characteristics of informal actors; (ii) the different levels of (in)formality; (iii) the child's position in the informal system; (iv) the factors playing into the choice between formal and informal conflict resolution and protection, and, finally; (v) the different informal justice and child protection pathways involving both formal and informal actors.

## 5.1. General overview based on the qualitative data analysis software (MaxQDA)

In order to code the collected data, the qualitative analysis software MaxQDA was used. After transcribing interviews and field notes, and translating them to English, they were uploaded into the software. Then, the transcripts were coded following the method described in section 4.7 above. MaxQDA allows for the analysis of the recurrence of codes.

In Annex 2, the most frequently occurring codes are listed, including their percentage among all coded segments, as well as the number of transcripts in which they occur. Only codes with at least 10 occurrences are included in the table.

Some of the codes were not the result of the coders' strategy, but of an automatic lexical search. Hence, the code "Autocode: NGO" includes all the segments (one paragraph) where the word NGO occurs. The autocode function was used for terms that were encountered repeatedly throughout the data. The function is a useful tool to accelerate the coding process for terms that consist of a single word. It also allows for a combination of automatic and manual coding.

MaxQDA allows for the analysis of code intersections within a segment. This means that when a segment (sentence or paragraph) is coded with two different codes (e.g. "formal pathways," "NGO"), these will be considered as intersecting. The following graph illustrates these intersections, with the width of the lines representing the number of occurrences (e.g. Autocode: NGO and Autocode: Judge intersect 28 times). Intersections between codes indicate potentially strong relationships that can be further analyzed using an in-depth qualitative approach. As shown in the graph, there are pairs of codes that intersect frequently. Intersections were included if they occurred at least twenty times throughout the data.

Figure 5: Map of relations between codes through MaxQDA
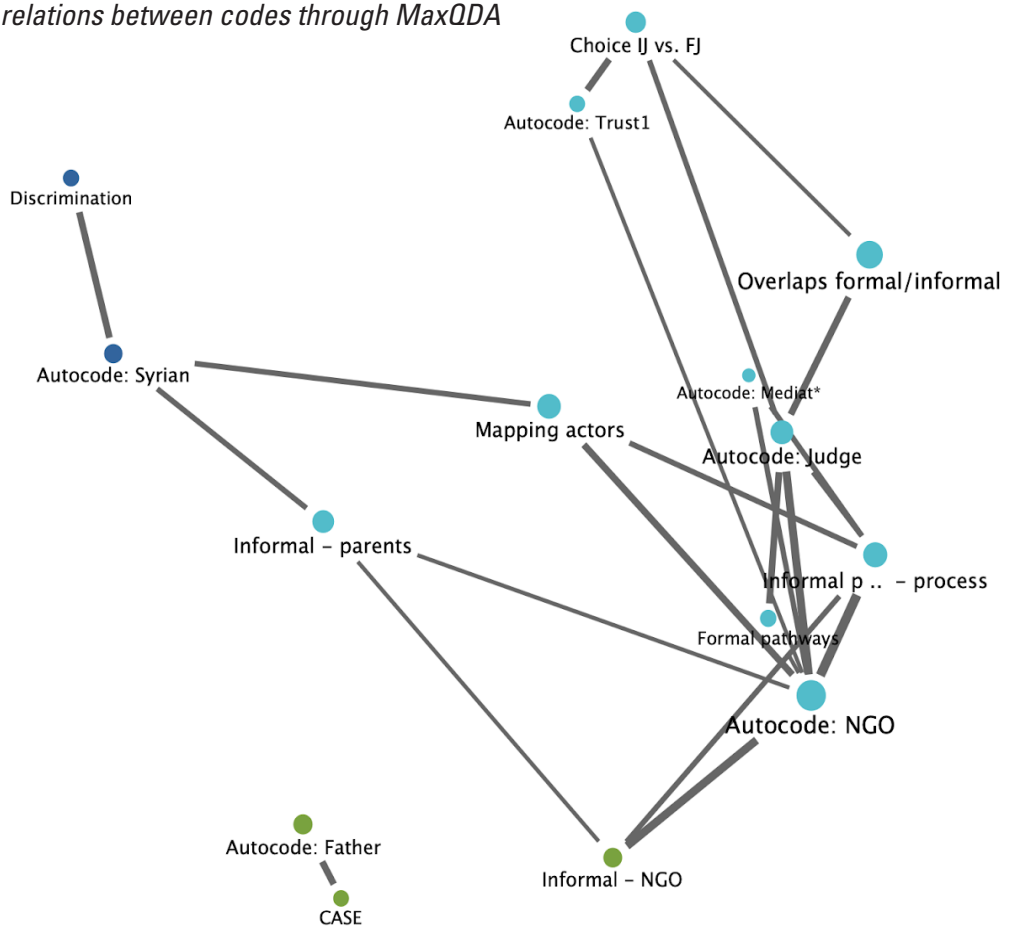
As Table 3 below shows, terms mentioned in the first column (Code 1) were usually associated or paired with terms in the second column (Code 2). For example, transcripts involving "Syrians" mentioned "discrimination" 25 times. The choice between informal and formal justice was paired with a discourse on "trust" 22 times.

Table 3: Most frequent intersections of codes

Code 1	Code 2	Coded segments
Judge	NGO	28
	Formal pathways	23
	Overlaps formal/informal	24
NGO	Informal pathways (process)	33
NGO	Mapping actors	20
	Mediator	28
Choice Informal vs. Formal	Trust	22
Case	Father	23
Syrian	Discrimination	25

An important step in understanding informal child protection and child justice pathways is mapping the actors and stakeholders involved in those systems and mechanisms that are functioning at local/community level. Any mapping should also be up-to-date and subject to frequent updates. As one respondent highlighted:

> *"The generations are changing, and informal channels/actors that we were using 10 years ago have changed, so we should map again."*
>
> **(KII, Representative, Norwegian Refugee Council [NRC])**

Since informal child protection and child justice actors do not usually have a formal basis or institutional affiliation for their informal activities, it is difficult to map the landscape comprehensively or exhaustively. Due to this lack of clarity, some actors did not even consider the informal pathways to be a system:

> *"I believe that the informal system is undefined. It is not even considered as a system. Actors are unknown due to a lack of organization from a legal perspective."*
>
> **(KII, Representative, UNODC)**

Based on the data spanning a large variety of profiles, however, there appear to be certain actors who were repeatedly mentioned as playing an important role in informal conflict resolution and child protection in Lebanon. In order to identify actors, segments that included information regarding who the actors and stakeholders are were coded as "mapping actors." The following word cloud (Figure 6), based on all segments that were coded as "mapping actors" illustrates the most frequently mentioned stakeholders. The size of the term represents how frequently it was mentioned, so the larger the size, the more often the actor is involved in Lebanese informal systems (e.g. "religious" was mentioned 25 times across the data, while "NGO" was mentioned 9 times). Thus, religious actors emerge as the stakeholders most involved in the informal systems, followed by the Mukhtars, who are official actors by definition although they engage in informal processes. These actors also appear to carry the most weight in the decision-making process compared to other actors present in informal processes, such as NGO representatives or community members.

Figure 6: Word cloud based on all segments coded with "mapping actors"

The status of an informal actor is neither systematized nor well defined and it seems that almost anyone may play the role of an informal child protection and justice actor. Any individual in the social circle of the concerned child or minor can play a role in settling disputes or protection:

> *"Any member of the community may be relevant: family member, school supervisor or educator, religious leader, influencer, or the employer."*
>
> **(KII, Representative, UNICEF)**

The literature on informal child protection and justice, as described above, highlights that informal actors may be designated as such due to their social status or heredity, depending on the community and its traditions, and that they are generally male (although women have been playing a more significant role in recent years, especially in cases involving girls), well respected and seen as holding some moral authority. Based on the findings derived from interviews conducted with various actors including children and adolescents in Lebanon, there appear to be recurring characteristics of informal actors. These can be categorized as follows:

■ Personality traits

Informal actors are perceived as being particularly well suited to settling disputes because of their personality or some specific innate abilities. They are believed to have a particular sensitivity in understanding local problems and an ability to find solutions to them.

> *"Some people are born with the ability and skills of mediation. For example, the family leader or official people like the Mukhtar, they can play this role and be the mediators."*
>
> **(KII, Representative, NGO Mouvement Social)**

Some interviewees mentioned a particular mindset or good leadership and communication and listening skills. Other character traits that were mentioned across the data include integrity, honesty, modesty, impartiality, and generosity. It also appears to be important that potential informal brokers should be perceived as having a good reputation.

> *"The person who will resolve the problem should be generous, honest, have a good reputation, and be well known by everyone, and he should do good and be fair."*
>
> **(FGD, Syrian boys, aged 14-17, Khiam)**

■ Education and training

Reference was also frequently made to education and training. Well-educated individuals or those with special training and experience in working with children may function as informal justice actors.

> *"I would be looking for a profile of a person who is professional, who has studied something related to social work, who has communication skills, who is neutral, firm, and contained at the same time, who is knowledgeable of the area and its people, of the laws and customs, and who is resourceful."*
>
> **(KII, Social worker, NGO Mouvement Social)**

One interviewee suggested that concrete training improves the outcome for children in terms of their best interest:

> *"In cases where the informal actor has a specialization or continuous work with kids (such as educators or social workers), they will mostly push forward in terms of child rights, while if the person has no experience or background in working with kids, they might be causing more harm to the child."*
>
> **(KII, Representative, UNICEF)**

■ Formal position and financial capital

Another reason why a person may be perceived or designated as an informal child protection and/or justice actor is because of their formal position, either in government, a political party, a religious institution, or a school. Their formal status lends them legitimacy to intervene in informal cases, as a somewhat neutral third party. The perceived legitimacy of their intervention increases if the case is related to a domain over which they hold some authority.

Moreover, interviewees repeatedly pointed to the importance of social and/or financial capital. Individuals are seen as able to resolve disputes because they have a certain degree of influence deriving from their position of power or their personal connections to others in such positions. Politicians, representatives of government, or influential religious authorities are seen as having political power that can have leverage at the local/community level. NGOs are frequently mentioned because of their financial resources. The following quotes point to the importance of resources and power:

> *"The religious leaders, the Mukhtar, the most educated member in the village, a person who has certain power (economic, political…)."*
>
> **(KII, Representative, MoSA)**

> *"Schools, Amel Association, the Mayor, people with money and power, elder men, and the most lovable man within the community."*
>
> **(KII, Representative, NGO Amel, Khiam)**

> *"The conflict is either resolved through religious figures (such as a Sheikh), the eldest of the family, or sometimes the organizations who are present in the community and are well known by the community members."*
>
> **(Interview, Sheikh, Chaar)**

■ Gender

In terms of demographic characteristics, Lebanese informal child protection and justice actors are generally associated with male elders. Nevertheless, female actors are perceived to be well suited to deal with cases where girls are involved. While some argue that a woman may only play a role within the family circle, others suggest that women can also become active in settling disputes beyond their immediate circle:

> *"The women can play the role of informal justice actor mainly if a woman is related to the problem, and not only inside of the family but also in the neighborhood between the neighbors."*
>
> **(FGD, Syrian mothers, aged 28-53, Saida)**

It is often conceded that society takes female actors less seriously and that therefore her role in settling disputes or offering protection pathways to children may be limited. Sometimes, formal female actors resort to male colleagues in order to increase their legitimacy and strengthen their position as a formal child protection and/or justice actor, or out of respect of local customs:

> *"Most of the time, the family requests that we appoint a man to follow up their case due to their customs and beliefs. Other times, I am accompanied by a man to resolve a dispute in regions like Tripoli (also because of their norms and customs)."*
>
> **(KII, Female social worker, NGO Himaya, Tripoli)**

At the same time, however, women are frequently portrayed as having particularly well-developed abilities to engage with cases involving children. Women are considered to be calmer, persuasive, and more empathetic:

> *"Women constitute half the society and the most credible person capable of understanding the child. No child is 'bad' or badly behaved. A woman can calm and convince an aggressive child and change this trait whether by words or guidance and care. I believe women can resolve a problem better than men."*
>
> **(KII, Female representative of municipality, Tyre)**

While most informal actors are currently men, the role of women is progressively taking shape in the informal pathways. The nature of the matter at stake is also a key variable in this regard. Research participants (mostly women, boys, and girls) mentioned that when women are handling a case the collaboration with formal actors is often smoother. This gender-dimensioned avenue is to be further explored in order to identify appropriate synergies between formal and informal child protection and child justice systems.

■ Age

Finally, an important characteristic of informal actors is related to their age. As data shows, older actors are perceived as having more legitimacy and experience in resolving disputes relating to children. This is quite telling as it signifies that the further the individual is from childhood (in terms of age), the more they are taken seriously by the community.

> *"Also, the age of the woman makes a difference. For example, parents in their 30s or 40s won't take a case worker in her 20s very seriously. The posture, the mannerisms, and the way of talking is very important. The case worker should be able to impose herself and earn the respect of the parents to be able to help and resolve the problem."*
>
> **(KII, Representative, NGO Himaya)**

> *"Informal justice can be played mainly by the elders in the family — the eldest person is the most respected among the family members, that is why we ask him to resolve the problem and we believe in him."*
>
> **(FGD, Lebanese mothers, aged 28-53, Tyre)**

In summary, the findings of this research reveal that the actors of informal child protection and justice in Lebanon are generally men, respected because of their age and life experiences, their social status and financial capital, their level of

education and training, as well as their personality traits. These general findings on the main characteristics of informal justice actors appear to be applicable to Lebanese communities as much as Syrian and Palestinian refugee communities. The role of women is to be carefully considered and significantly mainstreamed and incorporated into programmatic interventions and advocacy efforts.

5.4. Types of disputes and child protection concerns dealt with by informal systems

Based on the analysis of the data collected, some issues crystallize as typical subjects of informal child protection and justice pathways in the Lebanese context. However, it is important to note that triggering factors pertaining to whether an issue is to be dealt by informal or formal channels is highly dependent on the concrete situation of the individual who is bringing the issue to one system or the other. Interestingly, there were not a lot of differences according to nationality, age, or gender. Many cases were reported by interviewees as "family issues" without specifying further, acknowledging that all of these issues are preferably dealt with by informal actors. Situations of "neglect" were often provided as examples of the need for informal actors to step in and protect children. Cases involving sexual violence tend to be handled by informal systems as well, although given the seriousness and high risks entailed in these case, some study participants noted the importance of resorting to formal actors. From the wide amalgam and the diversity of responses provided by participants, it could be stated that, in the Lebanese context, there are no specific restrictions on the type of issues informal actors could be called in to resolve, although some trends can be clearly identified.

As will be explored in the sections below, the main drivers leading people to resort to informal mechanisms are less the types of issue at stake than the gravity of the harm perpetrated or suffered, availability of connections at the local level, and degree of trust in the informal systems, as well as questions related to preserving reputations by not disclosing the issue to the formal system.

Table 4 below provides an insight into a selected sample of cases/type of issues, broken down by nationality, gender, age, offender/victim-survivor/witness status, and place of residence. It is not comprehensive but offers a snapshot into the most common analytical dots on type of issues[14] dealt with by informal child protection and justice actors in Lebanon.

Issue	Nationality	Sex	Age	Child victim/survivor and witness	Child in Conflict with the Law	Governorate
Fight	Lebanese	male	7	no	yes	Beirut
Fight	Lebanese	male	15	yes	no	Mt Lebanon
Assault	Lebanese	male	13	no	yes	North
Robbery	Lebanese	male	14	no	yes	North
Robbery	Lebanese	male	11	no	yes	Beirut
Robbery	Lebanese	female	12	no	yes	Mt Lebanon
Robbery	Palestinian	male	15	no	yes	South
Legal documentation	Syrian	male	8	no	yes	Aakar

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[14] It is to be noted that study participants used themselves the word "issues" and sometimes "cases." It appears that they tend to lean against using the terminology of the formal legislation, although not always.

Legal documentation	Syrian	male	11	no	yes	Aakar
Assault	Syrian	male	13	no	yes	Beirut
Assault	Syrian	male	13	no	yes	Aakar
Harassment	Syrian	female	11	no	no	Beirut
Sexual harassment	Palestinian	male	12	no	yes	Beirut
Sexual harassment	Palestinian	female	15	no	yes	South
Sexual harassment	Lebanese	female	15	no	yes	Beirut
Sexual violence	Syrian	male	14	yes	no	Bekaa
Child marriage	Syrian	female	14	yes	no	South
Divorce	Syrian	female	17	yes	no	Beirut
Drug use and dealing	Palestinian	male	17	no	yes	South
Drug use and dealing	Lebanese	female	14	yes	yes	South

Table 4: Selected sample of types of issue pertaining to children dealt with by informal actors

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Recap box   *Characteristics of informal actors*

- Although this is subject to change, the most frequently mentioned stakeholders linked to the informal child protection field are: religious actors, Mukhtars, political leaders, and family members.

- Informal actors may be designated as such due to their social status or heredity, depending on the community and its traditions. Generally, they are male, well respected and seen as holding moral authority.

- Informal actors are perceived as being particularly well suited to settling disputes because of their personality, some specific innate abilities, their seniority, attributes of good leadership, or communication and listening skills. Moreover, well-educated individuals and people with experience are also regularly referred to as having good profiles.

- Formal positions, along with social and financial capital — resources and power — give these individuals increased legitimacy.

- Women — considered to be calmer, persuasive and more empathetic — are often taken less seriously by society while at the same time they are frequently portrayed as having particularly well-developed abilities to engage with cases involving children.

5.5. Hierarchy and levels of (in)formality

Mapping the actors involved in informal child protection and child justice pathways in Lebanon entails understanding the potential hierarchies that may characterize these systems in different contexts. This section thus aims to shed light on the ways study participants understand and perceive the relationships between the different informal actors, the hierarchy between them and the ways their work intersect. Based on the data, this analysis is divided into two sub-sections: first, how participants perceive the hierarchy and power relations between different informal actors are laid out, and then the different actors are categorized into four levels of informality.

5.5.1. Loose structures of hierarchy

In general, data indicates that there is no common understanding of the different hierarchies of authority or influence. A rigid structure of command is certainly absent, since child protection and justice actors are, by nature, loosely defined and constantly changing. However, some actors are perceived to hold a hierarchical position in terms of influence and power, which they derive from their material wealth or institutional affiliation (for instance, political parties). Hierarchy may also be deduced from the frequent mention of a particular actor within informal child protection and justice settlements.

For instance, religious figures are frequently mentioned as "mediators" and many participants insist that religious figures hold a particularly important position across the board, although the relationship between secular political and religious leaders can be conflictual. When it comes to religious leaders, their role as informal actors does not appear to be conditioned upon a formal position in a religious institution.

> "At the top we have the religious leaders, followed by representatives of political parties and the Mukhtar [...] Sometimes you can observe a conflict between the religious leaders and the political leaders in the same community."
>
> **(KII, Representative, NGO Himaya)**

> "Mainly the religious leaders or representatives, and it depends on the region — in some areas for example we have the clan and the head of the clan is the person in charge, we also have the political figures and representatives of political parties. And in the extended family, the head of the family (the grandfather or the grandmother). The Mukhtar is mainly active in the villages. Also, the head of the religion or the high religious leader."
>
> **(KII, Representative, MoSA)**

> "The power of the religious man is nationwide and more effective than the others. The community still tends not to reach out to social workers (kind of a taboo) — they prefer to reach out to the religious leader who are highly trusted by the parents."
>
> **(KII, Representative, MoSA)**

The hierarchy among informal actors depends largely on the specific context of inquiry. Therefore, in order to resolve a particular issue, the power balance is likely to shift depending on the type of issue and the context of its occurrence. For instance, with an issue at school, the school principal will be considered to be a highly legitimate stakeholder, while religious actors are considered to be authorities with regard to issues related to religion or morals, but are also called upon to settle disputes and ensure protection or care of children.

> *Mainly the elders of the family, the old person is the most respected among the family members. That is why we ask him to resolve the problem and we believe in him. Also, the religious leader can play a role but only when it is related to issues of personal status, such as divorce or children's custody. Otherwise, it can be the Mukhtar, or a municipality member, but the political parties representatives only intervene when someone affiliated to their parties is involved.*
>
> **(FGD, Lebanese girls, aged 14-18, Marjeyoun)**

Furthermore, the geographical and socio-political context may play a role in shifting the importance of certain actors for members of the same group. As one interviewee states, in some regions, Syrians may not resort to the Shawish or the Sheikh, but to Lebanese political parties with particular influence in the area.

> *"The profile of an informal child justice or protection actor is defined according to the physical environment. Syrians, for instance, used to appoint their own religious men (Sheikhs). However, now they contact Hezbollah for help."*
>
> **(KII, Sheikh, Chaar)**

In the case of Syrian settlements in Lebanon, another trend was identified: Syrian families may resort to clan justice actors (structured clan-based dispute resolution) based in Syria, despite the family of the children involved in the dispute residing in Lebanon (Tdh, 2020a). The lack of social ties, belonging, trust and identification with the values/traditions/customs of the country of residence make refugees particularly keen to maintain ties with home when the issue at stake is of essential importance for the reputation, social code, and beliefs of the family. One such case was that of Amira,[15] a child victim of "honor-based violence."

> *Amira was an adolescent Syrian girl who was displaced to Lebanon as a result of the 2011 crisis and living in an informal settlement with her family. She met a Palestinian man, Salem, and their relationship developed in secret. They decided they wanted to get married, and knowing that Amira's family would never agree to her marrying Salem, they eloped and married before an informal Sheikh. After the marriage, Salem spoke to his employer, Ali, a respected and powerful member of the local Lebanese community and asked him to approach Amira's family. Ali spoke to the family and they gave assurances that they would agree to the marriage if Ali paid a dowry. Amira and Ali came back to the area and a symbolic ceremony took place ("Al-Fatiha"), which secured the future marriage through an oral agreement. The dowry was paid and the date for the marriage at the religious court set. The night before the ceremony was due to take place, all the male members of Amira's family (father, brothers, uncles, and cousins) gathered and, despite the assurances given, murdered her in the name of the family's honor. It transpired that Amira's family had engaged with clan leaders back in Syria who had determined that she should be killed based on her dishonor of the family. Although Amira's male family members were arrested by the police, it is not clear whether they were ultimately charged and tried in court.*

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[15] Note that the names in this case study have been changed to maintain anonymity.

5.5.2. Four levels of informality

Besides understanding the potential hierarchical organization of informal actors in specific contexts, it is worthwhile thinking about these actors in terms of degree of informality. Based on the analysis presented in Table 5 below, it was found that informal actors can be layered in terms of the level of escalation and/or gravity (in terms of severity of the harm and/or damage) of the conflict. This is not excluding the other 'elements of informality' mentioned above, but the gravity of the dispute/case/issue, appears as the main element. These levels can also be thought of as problem-solving fora, whereby small disputes may be settled by the extended family and more complex disputes by village-level fora. With each level, the formality of the actor increases. The higher the level, the more external figures with leadership positions may be involved, including actors with specific expertise in customary law or conflict resolution and/or generally dealing with children's issues in a given community or region.

> *"We resort to religious men/entities instead of the Mukhtar. The parents will first try to resolve it with the Mukhtar and then the judicial system and here we get involved. The judiciary system works in coordination with UPEL and we cooperate."*
>
> **(KII, Representative, Union for the Protection of Juveniles in Lebanon [UPEL])**

Level of escalation	Actors involved	Outcome(s)
First level	Parents and/or extended family	Amicable settlement
Second level	Neighbors, respected elders, religious figures, teachers and/or the school principal, psychologists, doctor. Prominent role of female actors at this level. *Single-issue driven: depending on the issue and context, a particular actor is seen as appropriate and legitimate.*	Amicable settlement
Third Level	Mukhtar, NGOs (National SOPs for the Protection of Juveniles), Shawish, Palestinian Popular Committees, Palestinian Security Forces (PSF) *Generally perceived as being able to settle disputes. They have some formal basis for their problem-solving activity.* *It is important to note that these are not judicial actors. They do not have an institutional position within the formal system, but some may have a political role/position (i.e. Palestinian Popular Committees and PSF).*	Amicable settlement seeking guarantee from parents. Referral to other actors on third level. Referral to actors in fourth level.
Fourth Level	Police/ISF, Judges, Prosecutors, Lawyers, NGOs with official mandate (UPEL, Himaya) *Formal actors with a legal institutional basis for their action. They may use certain discretionary powers to settle a dispute (without opening a file) or refer to informal actors.*	Amicable settlement using certain discretionary powers for referral to informal actors. Seeking guarantee from parents.

Table 5: Levels of (in)formality

First and second levels: Purely informal actors

The first actors that have the authority to settle a dispute involving a child are usually the parents, whether the issue is of a criminal nature, family related, or pertaining to a protection concern regarding a minor. There may be situations where they are able to communicate with one other directly and find a solution that suits both parties. Usually, other family members get involved, especially male and elder figures. In the Syrian refugee context, it is a clan elder or male head of the family who plays an integral role in customary dispute resolution and the application of customs. In other situations, parents may involve a third party as a mediator, who may be a neighbor or a respected elder.

Depending on the issue and the context, the most likely actor to be involved is the one holding authority over that particular context. Hence, in cases related to school, the teacher or school principal is likely to become involved. In other cases, it may be the doctor or the psychologist who are informed about situations of physical/sexual abuse or sexual harassment and who would first try to resolve the issue with the parents and other family members.

> *"One of the most trusted community members is the doctor. For the people, he understands everything and can be trusted. Everybody knows the doctor so it is easy for him to reach the people that are needed in a case concerning a child."*
>
> **(KII, Representative, Legal Unit Beirut)**

> *"In general, we observe the dispute and accordingly we reunite both sides. If the problem is bigger and more serious, we reach out to the director of the school, the Mukhtar, or NGOs"*
>
> **(Interview, Lebanese father, aged 37, Nabatiyeh)**

In cases where another authority is resorted to, the parents have an important say in deciding who should get involved. Where parents constitute a barrier to the resolution of the dispute, or refuse to cooperate, other actors may resort to a higher level of formality.

It is important to keep in mind that the extent of the involvement of the parents (specifically fathers) also largely depends on the age of the child. For example, adolescents may not involve their parents at all in the settlement process. They may try to communicate with one another in order to clarify what happened, and perhaps settle on warning wrongdoers. The following quote illustrates an example of conflict resolution between adolescents:

> *"I will provide you with a personal case. I was walking around with my cousin and his friend. They started hitting on a girl passing by. The girl, however, only knew my name so she mentioned me when she complained to her brother about what happened. He knew what kind of person I am and calmed her down, blaming the two other boys. If the problem had got more serious, we would have got help from the protection troops in our camps or ISF."*
>
> **(Interview, Palestinian boy, aged 14, Al-Bourj al-Chamali Camp, Tyre)**

Third level: Semi-formal actors with informal justice functions

The third level of informal actors refers to those designated actors who were repeatedly referred to when it comes to authority in informal justice settlements. The most frequently mentioned were religious figures, individuals holding the position of Mukhtar, or, in the case of Informal Tented Settlements (ITS) that house Syrians, the Shawish. Formality comes

with a position that is recognized by an official institution, and it is to be noted that while the Mukhtar has an official position (public servant), this is not the case of the Shawish. Both Mukhtars and Shawish are in the third level of in(formality), however, as they have more or less the same power when it comes to the processes that they handle. In this regard, Shawish could be defined as semi-informal actors. In Palestinian camps, the Popular Committees and the PSF fall into the category of third-level informality. NGOs are also seen as potential "mediators," although there appears to be significant reticence about them because of their proximity to governmental authorities. This applies to NGOs with a statutory role, although, as seen below, these NGOs sometimes intervene outside of this formal role.

The Mukhtar: The semi-formal justice actor par excellence

The Mukhtar is probably the most important semi-formal justice actor in the Lebanese context, and, hence relevant when tackling child protection issues and disputes. The role of the Mukhtar (signifying "chosen" in Arabic) is a remnant of the period when the Arab World was ruled by the Ottoman empire. During the second half of the nineteenth century, Mukhtars (more correctly, makhateer) were appointed for villages with over 500 inhabitants. The main function of Mukhtars was to manage the financial affairs and collection of taxes in their jurisdiction. Under the French Mandate, a Mukhtar law was enacted in 1928, later abrogated and replaced with the Law on Mukhtars and Mukhtar Councils[16] issued in 1947.[17] Mukhtars are elected by the public for a six-year-mandate. In the elections of 2016, a total of 2,922 Mukhtars were elected and 4,079 Mukhtar councils. The number of female Mukhtars has increased significantly in all regions apart from Beirut, totaling 57 members across Lebanon (which still amounts to less than 2% of all Mukhtars) (UNDP, 2016a). Mukhtars fall under the competence of the Ministry of Interior and Municipalities.

The Mukhtar is the connector between her/his constituency and governmental authorities. According to the 1947 law, the Mukhtar represents the interests of the village or neighborhood before the authorities and represents the state in matters relating to Public Administration and General Security (Article 24). The law also assigns various institutional and administrative roles to the Mukhtar, ranging from facilitating and countersigning administrative procedures related to the Registry Office (e.g. granting birth, death, and marriage certificates) to issuing residency certificates, real-estate management, preparing ID cards, and authenticating photos. Decisions issued by the Mukhtar are official. In addition to this administrative role, the Mukhtar is assigned a semi-formal role in conflict resolution. In this regard, Article 22 of the 1947 law clearly states that Mukhtars should work for the public interest of the village and facilitate the affairs of their constituency and the inhabitants of the village or neighborhood.

Accordingly, the Mukhtar is clearly a formally recognized actor. He/she has no immediate judicial competency within the formal justice system. However, as public servants, Mukhtars are often institutionally recognized as informal justice actors and should thus be considered to be playing a semi-formal role.

People resort to the Mukhtar when problems are too serious to be resolved by entirely informal actors. The Mukhtar is said to be a neutral party, and not biased by any political affiliation.

However, the research shows that a number of Syrian and Palestinian participants have concerns regarding the bias of the Mukhtar towards Lebanese, indicating that they are less likely to ask for their involvement. Some interviewees also indicated that Mukhtars do not take children's needs and vulnerabilities seriously.

Sometimes, the choice to resort to the Mukhtar also depends on the seriousness of the harm. If the damage is not too serious, the Mukhtar may be able to resolve the issue, otherwise the case might be referred to the police/ISF.

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16 The Mukhtar Council in towns and villages is composed of one Mukhtar and three council members, whereas in neighborhoods, a Mukhtar is elected, but no council members. The Mukhtar is elected by a general direct vote, along with council members, whose number is specified in the Call for Election. The term of office for Mukhtars and Mukhtar Council members is six years. See UNDP (2016b).

17 Law on Mukhtars and Mukhtar Councils, issued on 1947/11/27, published in issue 49 of the Official Journal on 1947/12/02. For more, see Stel (2015).

> *"For example, the case of kidnapping within tribes ('Ashayer). An engaged girl was kidnapped by people from a different tribe and since I am considered a friend of both tribes, I directly took initiative and called her parents and family. I asked them the following question: "As the closest to your family, do you trust me to protect and ensure your rights?" Then I tried to understand the case. The parents accepted the matter and that's what we wanted. The tension was reduced, and we found a solution. I then called the parents of the kidnapper (the guy) and asked them to stay out of the issue so I can resolve it myself. The guy was on his way to Syria with her. I asked him to trust me and come back. The third step was calling the Sheikh. We met with him, the girl, and the man from the other tribe, and married them in the presence of just their parents."*
>
> **(KII, Mukhtar, Tyre)**

Finally, it is important to note that the data from interviewees points to a decreasing role of the Mukhtar. With the growing presence of political parties, the Mukhtar is less involved in informal justice settlements.

The Shawish: The authority in Syrian informal tented settlements

In the Lebanese context, the Shawish has a rather informal role, and is mainly relevant for ITS. The Shawish is usually a respected elder who is empathetic, considered to be neutral, strong, and able to mediate. Unlike the Mukhtar, the Shawish is not a formal actor and is usually not formally appointed. Nevertheless, the Shawish is acknowledged in his position as a powerbroker for the camp; he is responsible for matters related to the camp and acts as its spokesperson. Involved in aid distribution, mainly they are directly involved in the daily activities of refugees in the ITS and especially matters of access to basic items and employment. Also, matters related to building or changing the location of tents fall under the purview of the Shawish. The Shawish collects the residency fees from the residents and gives it to the landlord. Sometimes, because of his ties with the landlord and his/her managerial tasks, he ends up having control over the shelter and accordingly over those who inhabit it. In Azrak shelter, for instance, the Shawish is delegated by the building owner to collect rental fees and "maintain peace."

While the majority of data reveals that the Shawish are often men, the role of the Shawish may, in rare cases, be played by women (Mawad, 2018).

> *"For the Syrians, it is for sure the Shawish who is omnipotent and a very powerful figure. He elects himself. The Shawish is different from one ITS to another, but in general he is the decision maker related to work (and sometimes takes commissions), and even his family is well treated (sometimes his kids bully other children). He also sometimes holds the residency or birth documents of the other refugees in the ITS."*
>
> **(KII, Representative, NRC)**

The data reveals recurrent accusations of corruption directed against the Shawish, who hold a position of significant power. There have been reports of Shawish who claim aid for themselves or distribute it unequally or according to their personal interests. Due to his position of authority, control, and monopoly over every part of the residents' lives, it is difficult for people to object to his directives. In addition, since most of the refugees in ITS do not have valid legal residency documents, they tend to be afraid to get involved with the formal justice system and thus tend to resort to the connections, and sometimes give in to the pressure, of the Shawish.

> *"The Shawish is the first person I will turn to resolve any issue with my children as he is responsible for the peace in the community and has the necessary connections."*
>
> **(Interview, Syrian father, aged 38, Saida)**

In the Palestinian camps: Popular Committees and Palestinian Security Forces

Palestinian refugees continue to face severe restrictions on their right to work and ownership/inheritance of property (Saghieh & Nammour, 2017). They are also excluded from accessing public education and health services and from working in a considerable number of professions. Given these restrictions, 45% of Palestinian refugees live in camps. Currently, there are 12 refugee camps, the majority of which are declared no-go-zones for the Lebanese army and official state agencies. Some camps are therefore seen as security threats and safe harbors for fugitives and terrorists.

As a consequence of the Lebanese state's hands-off policy, Palestinians have organized themselves internally, both politically and in terms of security and justice. Two bodies have been constituted as formal actors responsible for the residents of the camps: the Popular Committee and the Palestinian Security Forces (PSF). These committees are not democratically elected but composed of representatives from the different political factions (e.g. Palestinian Liberation Organization, Fatah, Hamas). The effectiveness of these committees varies from one camp to another. Because of the schisms between the political factions, some camps have two Popular Committees. The Popular Committees are the authorities in the paralegal system maintaining control in the camps, and they cooperate with UNRWA and Lebanese authorities. The PSF (formerly security committees) are extensions of, and report to, the Popular Committees. They are specifically responsible for security- and justice-related issues inside the camp. The members of the PSF are responsible for the part of the camp allocated to be their jurisdiction and they patrol their areas or intervene in disputes (Long & Hanafi, 2010).

In terms of informal justice, the Popular Committee and the PSF occupy a somewhat hybrid role. They are, as one interviewee states:

> *"Formal for the camp, but informal for the state."*
>
> **(KII, Representative, MoSA)**

According to the participants in this study, the Popular Committees are an important informal justice actor: they are said to resolve all problems in the camp, apart from serious crimes such as murder, in which case the government security agencies get involved. The Popular Committees either intervene autonomously or when they are called on to do so by people involved in an issue. In some cases, Popular Committees also cooperate with NGOs such as UPEL:

> *"In general they refer to UPEL or to a child protection case management NGO who then follows up with UPEL, but the problem is that UPEL cannot always access all the camps. But last year they did a workshop between UPEL and the Popular Committees of the camp in Sabra and Shatila and Bourj al-Barajneh camps to facilitate cooperation, and since then they have started to have some access into the camps while coordinating with the Popular Committees. UPEL was chosen because they are the formal (official) NGO to follow up on this within the MoJ."*
>
> **(KII, Representative, UNRWA)**

Although Palestinians are careful not to get entangled in the Lebanese justice system, they have reservations regarding the Popular Committees in the camp as well. As data indicates, a number of interviewed Palestinians in the camps have little faith in these committees, because they rarely reach consensus on important matters and are mostly busy with inter- and intra-factional struggles and disputes. The interviewees frequently portray them as unjust and violent towards children:

> *"They always beat children. When a child steals something for example, he is beaten by members of the PSF."*
>
> **(FGD, Lebanese girl living in Palestinian camp, aged 12, Tyre)**

Since the committees are the somewhat official representatives of the camp, they have significant authority to decide who can enter the camp in order to resolve a particular issue. In general, they are hesitant to have external actors involved and tend to preserve their authority in terms of conflict resolution. As a consequence, they can constitute an important barrier in terms of access to justice for children, as the following example shows.

> *"A child in a Palestinian camp in Dbayeh, was suffering from domestic violence and was beaten very hardly and even made an attempt on his/her life, and staff from a local NGO were trying to contact an NGO from outside the camp to protect the child, but the Popular Committee wouldn't accept that anyone from outside the camp intervene. There is a need to resolve this issue and children's rights should be respected for all the kids regardless of their nationality."*
>
> **(KII, Representative, NRC)**

In other cases, the PSF does reach out to NGOs and collaborates with the parents in cases of children at risk or in conflict with the law. The collaboration is not systematic or institutionalized but established on an ad-hoc basis. The case of Nadine illustrates such a form of collaboration:

> *Nadine is a 13-years Jordanian girl (Jordanian father, Palestinian mother). Her father has passed away and she lives in a Palestinian refugee camp with her mother and her stepfather (who has no legal documents and never leaves the camp). The case was referred by the PSF to Tdh after the stepfather informed them that the girl ran away for two days and no one knew where she had gone. After two days, the girl came back home. The PSF called Tdh's psychologist and case worker to follow up with the girl. The organization provided her with different services, and soon after she started attending different activities with enthusiasm. However, the girl continued running away and the PSF found out that she was being exploited by drug dealers. The PSF cooperated with the Lebanese authorities to proceed with the arrest of the drug dealers and ensure the protection of the girl by referring the case to a juvenile judge and UPEL. Tdh continued following up with the case and the family.*

NGOs as informal actors

A considerable number of international and national NGOs are working in the Lebanese context in different fields, including humanitarian aid, development, and advocacy. With regard to children, it is to be noted that a number of NGOs hold formal mandates in the Lebanese justice system: UPEL (mandated as per Article 53 of Law 422/2002), along with Himaya and Mouvement Social (mandated by the MoJ and MoSA), play a role in handling child protection cases, including those involved in justice proceedings and at risk.

In addition, other NGOs are active in the field and perceived by communities, families, and children as key actors when it comes to informal pathways at a local level.

Relevant NGOs in the field are expected to adhere to the Interagency SOPs for the Protection of the Juveniles which encompasses Children in Conflict with the Law, child victims and witnesses, and children at risk. The SOPs were elaborated by UNICEF, MoSA, and the University of Saint Joseph in Beirut and published in 2015. The SOPs outline the roles and responsibilities of actors working with children in contact or with the law and describe procedures for case management and referrals, but do not deal with judicial pathways and rather retain a focus on non-judicial options. The Lebanon Interagency Coordination published the Minimum Standards on Referrals (2020), which include guidance for organizations working

with refugees and host communities, including children in contact with the law, in order to create a common understanding of the mechanisms for referral and the required procedures, and to promote safety and accountability between the various services. The standards include in Annex 3 the referral template that must be completed for a referral between agencies or services. The referring agency specifies the urgency of the case, the needs of the child in terms of protection, basic assistance, health, justice proceedings, etc., and provides detailed information about the case. The concerned individuals should, in principle, give consent to their information being disclosed to other agencies. Referrals — which can happen via various channels, including WhatsApp — are registered in the Referral Information Management System (RIMS), a database created in 2017. The objective of the RIMS is to increase efficacy and accountability of referrals between agencies. The main non-state actor pertaining to the care of CiCL is UPEL, which complements the state child justice system on a national level.

Parents and children participants ascribed important informal justice roles to international and national NGOs. In fact, NGOs represent the most frequently mentioned term across the interviews conducted, as illustrated by the frequency of occurrence of the code "NGO." Their importance to interviewees can be explained to a large extent by their financial and material resources, their legitimacy in the eyes of Lebanese authorities, and their large networks.

> *"The perception of justice has evolved and today it entails judicial arbitration. Resolving disputes is also now part of the judicial system and not just a classical concept. NGOs have a structured methodology and a non-judgmental approach, as they are very familiar with the issues at the field/local level facing many children from different nationalities, but also the stateless. Therefore, their work is perceived as better than the work of courts, especially with regard to child assessments. They treat the child as part of a family and not just a separate individual."*
>
> **(KII, Juvenile judge, MoJ, Beirut)**

> *"Along with judges, general prosecutors, and political and religious leaders, the key player in resolving problems or providing protection to children is civil society. NGOs play a very important role since they have the funds so they can be imposing in terms of what should be done and how."*
>
> **(KII, Representative, UPEL)**

> *"NGOs have a very positive role in informal work and are able to bring together the different key community informal actors and local associations to serve the most hard-to-reach populations and those that won't resort to the formal system for different reasons."*
>
> **(KII, Representative, MoSA, Higher Council for Childhood[19])**

On the other hand, some participants criticize NGOs for pursuing their own interests, suggesting they may therefore play a negative role by not taking the best interest of the child properly into account.

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[19] The Higher Council for Childhood (HCC) is the national framework for complementary work between non-governmental organizations and the public sector with regard to child protection and development in compliance with international conventions and especially the UNCRC, and in collaboration with international organizations. The HCC seeks to implement the general principles of children's rights "in order to improve the situation of children in Lebanon and ensure their rights to survival, development and protection." The Council was established in 1994 (Decision No 94/29, issued by the Council of Ministers). It is presided over by the Minister of Social Affairs, the Director General of the Ministry as Vice President, and it includes members from several ministries, as well as from non-governmental organizations and international organizations specialized in children issues.

> *"The NGOs plays a role but sometimes they play a negative role, by either giving the wrong advice to the parents, or by turning the children over to the police without trying another pathway. And unfortunately, some NGOs work only to reach their targets or to increase their visibility, so they work on complicating the case in order to benefit from it."*
>
> **(KII, Representative, MoSA)**

These issues speak to broader concerns with regard to informal systems in relation to the dangers of informality and sidelining state control with its provisions of accountability. It is as important to be as aware of the shortcomings of informal mechanisms as of their benefits for their users in order to design interventions that balance both and synergize collaboration between the two systems.

Political parties

Another category of informal actor that is specific to the Lebanese context and less mentioned in the literature are representatives of political parties. Given the profound politicization of Lebanese society and the nature of the clientelist system, where access to basic rights is facilitated by the "za'im" or political leaders (Hamzeh, 2001), political parties have become increasingly important as authorities and bodies of influence. In informal child protection and justice settlements, they become active primarily when a representative of their party is involved in a dispute, including families and children of party members. Their involvement tends to seek to influence the decision-making process towards a favorable outcome for their affected members.

> *As for the religious leader, that is mainly when it is related to religious issues and personal status (marriage, divorce…), while the members/representatives of political parties get involved mainly when there is a conflict between individuals, especially if these individuals are affiliated to one of the parties.*
>
> **(FGD, Lebanese mothers, aged 35-52, Saida)**

> *First the elders in the families are the most important, then the Mukhtar, then religious people and lastly, the representatives of political parties. We always prefer the informal system, but there should be more restriction on political influence, since the politicians resolve everything in their own interest. The best solution would be to destroy all political influence.*
>
> **(FGD, Lebanese boys, aged 14-18, Marjeyoun)**

Fourth level: Formal justice actors with informal justice powers

Finally, the formal justice actors involved in child protection and child justice can play a role that goes beyond their official or formal position.

Analysis of the data shows that that many official actors resort to informal strategies in order to find solutions that avoid the official process. According to interviewees, this is due to their awareness that the justice system may not be appropriate for children and that the formal pathway is costly and potentially detrimental to the wellbeing and reputation of the child and his/her family. In other words, official actors may look beyond the rigid procedures imposed by the law to implement a child-friendly solution, in line with the best interest of the child.

> *"All of the formal actors (judges, police officers, social workers) try to resolve things before they escalate, because that's part of the culture, so they will be acting differently from what the law mandates. There is, though, an important concern since they might be unfair and take religious and political factors into consideration. These actors think usually not in the best interest of the child but in the context of the case and what it is best for the peace and stability of the community."*
>
> **(KII, Representative, MoJ, Beirut)**

These formal actors, as identified in the study by participants, include the following:

- Juvenile judges (civil courts) appear to be the most important formal actors dealing with children. They have the authority to initiate the judicial process and refer to NGOs when they see fit. The term "judge" is among the most frequently mentioned across the interviews, highlighting their importance in informal justice processes, regardless of whether this involvement is perceived positively or not.

- Religious judges, especially when the dispute concerns divorce cases and disputes regarding custody of a child.

- National NGOs with a statutory mandate. They are competent to file direct reports and refer cases, and they collaborate closely with the juvenile judges. UPEL is considered a key non-state actor in formal child justice processes including children. Other NGOs that work under a formal mandate granted by MoSA or MoJ are Mouvement Social and Himaya. While involved within the formal system, these NGOs play a key role in the informal system as they refer cases to informal actors. Their position must be understood as hybrid, although they tend to define themselves as formal actors who recognize the importance of informal local mechanisms and actively collaborate with them.

> *"Legally we refer cases to UPEL and we do a followup with them to check if the case was closed, but in fact their role ends when they do the referral unless they refer to their contracted lawyers in which case they follow up monthly, but they don't play the role of mediators themselves."*
>
> **(KII, Representative, UNRWA)**

- The municipal police corps are also considered important stakeholders in informal processes. Several interviewees described them as putting efforts into finding amicable solutions before opening a case, especially where children are involved. They may even arrest an adolescent without opening a case, because they consider this the preferable solution over a tedious entanglement with the formal system. However, it is important to note that municipal police do not have the legal competence to arrest or detain individuals without the approval of the public prosecutor.

> *"Municipal police deal gently with cases involving children. The municipal police have received sufficient training, and if the case is considered medium to high-risk, we contact the formal authorities."*
>
> **(KII, Representative of municipality, Tyre)**

- Other formal actors that may become active as informal actors include lawyers, and prosecutors, as well as entities responsible for enforcing sentences, such as prison wardens with regard to detention.

5.6. Conceptualizing child protection and child justice informal pathways

From the analysis carried out, six major informal child protection and justice pathways were identified in the Lebanese context. Formal actors in Lebanon — who have immediate authority to open a case if they deem it suitable — have a considerable amount of leverage to influence the outcome when it comes to an informal process.

5.6.1. Informal justice pathways involving formal actors

The power of discretion

One pathway consists of formal justice actors — police, judges, prosecutors, or even prison wardens — trying to avoid opening a file in a particular case, because they believe that the level of harm or damage caused does not require engaging the formal pathway. It may also be that they are subject to external pressures to settle the case outside the formal system. As one interviewee explained:

> *"The informal system does not only happen through unofficial actors, but also when an official actor plays a role beyond his powers."*
>
> **(KII, Representative, MoSA)**

Key stakeholders in governmental and non-governmental organizations confirmed this practice by formal actors:

> *"Sometimes, formal actors such as municipal police approach the case as a mediator and work on avoiding the formal process. [...] For example, when minor protestors were arrested by ISF, they took their age into consideration and did not open a file against them so there wouldn't be a legal case. They just kept them in the police station for the next day and then let them go."*
>
> **(KII, Representative, UNICEF)**

The Legal Aid Committee formed by the Beirut Bar Association, however, noted when it was defending the protestors that many minors were prosecuted and detained, some of whom were interrogated in the absence of a social worker (Frangieh, 2020).

> *"The municipal police try, as much as they can, to resolve cases through communication and discussions to reach an amicable settlement. If they fail to do so, they try to find a solution through informal actors. However, after trying everything, the formal pathway will have to deal with some cases."*
>
> **(KII, Member of municipality, Tyre)**

> *"Another big problem is drugs, and there is a big issue of drugs even in the school, but we are working on it by reaching to the head of the gang. When we catch a boy who is using drugs, we talk to him quietly and try our best to help and support him. If he doesn't respond to us or his parents, we start to harden a bit for his benefit. If the informal way does not work, we are forced to turn him over to the police."*
>
> **(Interview, Member of the Popular Committee, Al-Bourj al-Chamali Camp, Tyre)**

PSF (considered as semi-formal actors inside the camp) seek to use their discretion to resolve disputes and reach a form of amicable settlement. The following case illustrates the approach they tend to take:

> *"A child was accused of robbing a sewing shop. The owner had seen the child stealing on his security cameras and took the recordings directly to the PSF. The father was called and asked to bring the child with him. The PSF started mediating between the family of the child and the shop owner, and all parties agreed not to open a file with the Lebanese authorities and instead the child will be working at the same shop."*
>
> **(KII, Representative, PSF)**

NGOs with a statutory mandate (UPEL, Himaya, Mouvement Social) may also use their "discretion" to resolve cases by intervening unofficially without opening a formal file on a child.

Other formal actors have also discussed how they use their decision-making power to resort to informal pathways in cases involving children:

> *"As the Committee for Women and Children Affairs within the Municipality of Tyre, we adopt different means to resolve the case informally without going through the courts. After all, the child did not choose his own path. We figure out what happened with the child and why. First, we evaluate the case, then we address the causes and communicate with the competent authorities (NGOs and informal agencies). The protection of the child is essential. There are also specialized organizations and public schools who take in children. I personally care that the child does not go through the formal pathway. […] We do not discriminate between children whatever the issue."*
>
> **(KII, Representative, Committee for Women and Children Affairs, Tyre)**

Co-opting formal actors to avoid the formal pathway — Be afraid of the cops

The data revealed a second informal pathway that includes the indirect use or involvement of formal actors in order to exercise pressure or intimidate children. Since children and adolescents tend to be afraid of the formal system, co-opting formal actors to pressure them into complying appears to be a form of resolving issues amicably, without opening a formal file.

A lawyer who is regularly involved in cases concerning children and adolescents explains this practice as follows:

> *"When one of the kids is involved in a problem/conflict we threaten him (at the beginning) that we will go to the police but we actually want to avoid the police. […] Resolving the problem amicably needs great support from the parents' side. The foundation tries its best to protect the best interest of the child, for example by not calling the police when a child is using hash, and instead helping him to stop and develop his understanding of it. And even sometimes, in the case of children who spend their sentence at the foundation, police might be called when there is a big problem but on the agreement that the police will just threaten the kid won't arrest them."*
>
> **(KII, Lawyer, Father Afif, Oseiran Foundation)**

The formal non-judicial pathway

Finally, formal actors may choose the formal, yet non-judicial pathway. This is the informal justice pathway that is most closely aligned with the core functions of formal child protection and justice actors. In this context, formal actors, such as judges, have the discretion to choose flexible measures tailored to the specific case. Depending on their appraisal of each case, certain NGOs or other informal actors may be considered as the most appropriate to resolve a justice issue or deal with a Child in Conflict with the Law or a child at risk.

> *"The judicial pathway is the most extreme form of formality and very far from community realities. So, the formal but non-judicial pathway can be considered halfway between the informal and formal, and between the community and the court. This non-judicial pathway should be part of the support system, which would provide better accountability to informal actors and enhance the weight of their role."*
>
> **(KII, Representative, MoSA)**

5.6.2. Informal justice pathways involving informal actors

Beyond the pathways that involve formal actors, three informal justice pathways that happen mainly outside the formal justice system and its actors were further identified. These include predominantly informal actors, at different levels of formality.

Amicable settlements — "Justice-lite"

An amicable settlement (حل حبي) is the epitome of informal conflict resolution and frequently referred to as such in the Lebanese context. It denotes all efforts or attempts at resolving an issue without engaging the formal system, and, ideally, with the implication of a minimal number of informal actors. In accordance with the levels of escalation, amicable settlements only involve as many actors outside the immediate environment of the child or the issue as necessary. Amicable settlements aim at swiftness and satisfaction of the involved parties. One NGO representative explained:

> *"Informal justice in Lebanon exists through different channels, and the first actor that we think of is the family. In the case of a child who has stolen something from a shop in the village, the shop owner will first go to his family to reach an agreement accompanied by informal actors at the community level."*
>
> **(KII, Representative, NRC)**

Networking by informal actors

An important informal justice pathway revolves around NGOs as a central informal justice actor. NGOs activate their networks of other NGOs but also religious actors, village elders, Mukhtars, or others, in order to deal with a specific case and respond to the needs of the child.

The case of Samia[20] illustrates this informal pathway:

> *Samia is a 14-year-old girl who lives in a collective shelter in southern Lebanon. Her older sister (aged 17) was raped by a Lebanese man. To avoid scandal, her parents chose not to file a case against the rapist and forced her sister to marry an older Syrian man. She then moved to another location. After a short period, the rapist started to harass the family and to threaten to rape their younger daughter Samia. It was then that Samia's father decided that she should leave school. Seeking to protect her, Samia's father tried to marry her off to an older man. Samia refused the engagement and insisted that her parents seek help from an NGO. The NGO was able to convene other informal actors to arrange for relocation of the mother, Samia's siblings, and herself to another shelter in order to protect her from the rapist's threats but also from the marriage her father was insisting on. Through a well-connected network of informal actors, Samia and her family are being protected.*

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[20] Note that the name has been changed to maintain anonymity.

In complex circumstances, ensuring the protection of the child through a coordinated network of informal actors is a form of justice, and sometimes the only one that many children and their families can access.

Involvement of informal actors in cases referred to the formal justice system

Finally, there may be situations where informal actors continue to be involved in cases referred to the formal justice system (whether an informal process refers the case to the formal system from the outset or the referral is the continuation of a case). Within this common pathway, personal connections play a crucial role, enabling informal actors to pursue a form of case management without a formal mandate or legal basis, but one that takes the best interest of the child into account.

> *"The interactions between the informal and formal pathways are informal interactions, especially when it is from the informal to the formal system. If, for example, a member of the community knows someone who works at MoSA, he or she might refer the case to this person, but only because there is a personal connection with this formal actor. It is a guarantee for the informal actor that he or she will still be able to follow up directly on the case. […]*
> *Usually they are the ones responsible for resolving the issue in the eyes of the family, and, hence, close personal connections between formal and informal actors are required for these referrals."*
>
> **(KII, Representative, MoSA)**

Overall, as a major observation of the Lebanese context, it should be noted that informal justice pathways can be and are regularly taken by both formal and informal actors, and that some formal actors wear a formal-informal "double hat." While some of these pathways include either formal or informal actors, most of them consist of a combination of actors of various levels of (in)formality. Table 6 summarizes the different informal child protection and justice pathways identified based on the data collected and analysis carried out.

Child Protection and Informal justice pathways	
Formal actors	**Informal actors**
Power of discretion	Amicable settlements — "Justice-lite"
Co-opting formal actors to avoid the formal pathway — "Be afraid of the cops"	Networking by informal actors
Formal non-judicial pathway	Involvement of informal actors in cases referred to the formal system

Table 6: Summary of main informal child protection and justice pathways

5.7. The child's place in informal child protection and justice systems

The analysis of the data revealed several important elements with regard to the conceptualization of children within informal systems. It indicates a relatively flexible definition and perception of the child, and subsequently childhood, along with culturally specific interpretations of the best interest of the child.

5.7.1 Defining the child: Perceptions of childhood

Across the board, the majority of actors agree that childhood ends somewhere between 14 and 18 years old. In the case of girls, the beginning of adolescence appears to be seen as a lower limit for the end of childhood.

When seeking to understand child protection and informal justice systems in relation to children in a particular community/region, it is essential to explore how children are perceived and their role within their community and society, as this often informs how informal systems engage with them (Tdh, 2020a).

Many informal actors, however, specify that the individual case needs to be taken into consideration. Factors such as the child's perceived intellectual and physical maturity are said to play an important role in whether the child is treated as a child or an adult. For example, according to one interviewee:

> *"A 10-year-old child that is working will not be considered as a child by many informal justice actors, and even by some formal actors."*
>
> **(KII, Representative, UNICEF)**

This observation corresponds with the findings of various studies on the definition of childhood in contexts of legal pluralism, where childhood is defined "in more flexible and multidimensional terms" (Corradi & Desmet, 2015, p.6), thus often individuals under 18 years old may be considered fully capable adults and granted full rights as such. Elements of maturity (Hashemi, 2007), understanding (Banks, 2007; White, 2007), and biological development are often considered to be characteristics defining the boundaries of childhood and adulthood.

The majority of interviewees stated that a child starts becoming morally and economically responsible somewhere between 10 and 15 years of age, additionally linking responsibility to beginning "when a child starts working." Children who participated in the study most often mentioned between 12 and 15 years of age and linked the end of childhood with family responsibilities, as confirmed by their parents. One child interviewed said:

> *"Age is not the criteria to say if I am a child or not. I can behave like an adult, but internally I feel I'm a child and I act like a child when I'm by myself."*
>
> **(Interview, Children, aged 11, Saida)**

In addition to age, there are other circumstances often taken into account when determining the line between childhood and adulthood when children are involved with informal justice systems:

> *"If an informal actor knows that the concerned child is studying, they will probably be more considerate and try not to 'ruin his future.'"*
>
> **(KII, Representative, NGO Himaya)**

On the other hand, criteria such as prior offenses and involvement in conflict (recidivism) are likely to be considered aggravating factors and increase the likelihood they would be treated as adults.

5.7.2. Best interest of the child

> *"In most of the cases the outcomes are not fair — they are resolved with the best interest of the society or the employer but not the children."*
>
> **(FGD, Lebanese mothers, aged 35-52, Saida)**

Most informal actors in this study assert that they do take the child's best interest into account but fail to explain how or even what they understand as being the best interest of the child. The amalgam of different understandings is widely varied, minimizing the chances of a standardized application that is as close as possible to the child rights-based approach. Children's vulnerability and the importance of applying the best interest of the child principle are heightened in contexts where their interests contradict the interests of the community or their families.

Cases of sexual harassment or sexual/physical abuse within the family may be particularly illustrative of how the best interest of the child ranks secondary to other concerns. These cases challenge dominant cultural standards and are seen to damage the reputation of the family and so are usually resolved according to the best interest of the reputation of the family or the community, but not the best interest of the child. The case of Amira described in section 5.5.1 is an extreme example of decision-making processes that do not take the best interest of the child into consideration. Girls from different nationalities and geographical locations included in the study agreed on the lack of consideration of their best interest in informal (and formal) systems.

> *"In reality, none of them care about us, about how much we are hurt, about how we feel or what we think would be best for us. All that matters is that the issue is resolved quickly and that it doesn't get widely known in the community. No one protects us, and not the formal system either."*
>
> **(FGD, Lebanese girls, aged 14-18, Marjeyoun)**

> *"It is proportional and depends on the case, who is working on it, and how. If NGOs are involved, for example, the privacy and dignity and best interest of the child might be taken into consideration, while if it is the religious leader in the village working with the political leader there are a lot question marks around these issues."*
>
> **(KII, Representative, MoSA)**

> *"Again, the girls expressed that they don't trust the police and the judicial system, but do they trust the Sheikh or the Mukhtar in their area more? Will their decision respect the girl and be according to her best interest? No, because maybe they would force her to marry a perpetrator and have other plans for her in which she is not going to be listened to at all."*
>
> **(Interview, Representative, MoJ, Beirut)**

As highlighted by many of the study participants, the child's instrumentalization (tokenism) in formal and informal processes is particularly acute in custody disputes. In these cases, attempts to manipulate or pressure the child on the part of parents and their extended family is not uncommon.

> *"During the lawsuits related to custody, parents use the child as a weapon and this constitutes a barrier to justice. They therefore face a punishment, such as a penalty or warning, as this phase has a psychological impact on the child."*
>
> **(KII, Religious judge, Chaar)**

> *"A 13-year-old child declared to the court his refusal to stay with his mother. His mother was poor. Eventually, through the work of the psychologist, it transpired that the child was being manipulated by his paternal grandparents who wanted to take custody of the child and to humiliate the mother."*
>
> **(KII, Religious judge, Druze Appeals Court, Beirut)**

Nonetheless, some informal actors are aware of these issues and try to shield the child from the negative impacts of parental conflict:

> *"When it comes to custody, the first step is to take actions and procedures with parents committing violence. We assure the capacity of the judge to follow up on such cases, and double check the judge's competency to do so. For example, with the case of a father who is trying to worsen things because his ex-wife wants to get married again — in that case, the child must be given a private space away from all these problems. We have the power to protect the child."*
>
> **(KII, Religious judge, Chaar)**

5.8. Children's views of the formal and informal justice systems

It is noteworthy that children's perceptions of informal actors and processes that they are directly or indirectly involved in overlap in some cases with those of adult members of the community, NGOs, and formal actors. Their understanding reflects the various levels of informality as analyzed in previous sections of this study.

While children and adolescents pointed to the detrimental impact of the formal pathway and expressed deep mistrust in governmental actors and more particularly criminal justice officials and formal child protection institutions, they also noted that the outcomes of the informal justice pathway can be unfair and unjust.

Among Syrian and Palestinian children refugees, there is a predominant feeling that outcomes will not be in their favor, because most Lebanese actors will discriminate against them when called on to resolve a problem.

> *Here most children always say the Syrian is to blame even if we haven't done anything, and the employer tends to be racist and to believe the Lebanese child without a second thought, also the police and any Lebanese informal justice actor think the same way. Even at school, they discriminate against us. They don't treat us like the Lebanese: they don't even give us pencils or take us on trips. Most of the time, they also lock the bathrooms, so we don't use them. We are worthless to them.*
>
> **(FGD, Syrian boys, aged 14-17, Khiam)**

> *"Our only chance of being listened to is within our own community, and even then, not in all cases. When Lebanese informal or formal actors are involved in our issues, we know very well how things will end, and it's never good for us."*
>
> **(Interview, Palestinian girl, aged 12, Al-Bourj al-Chamali Camp, Tyre)**

Lebanese children feel neglected within informal and formal processes:

> *"Our concerns are the last thing that informal actors would consider. And even less if our parents go to the formal system."*
>
> **(Interview, Lebanese boy, aged 16, Beirut)**

Beyond nationality, children are also aware of the power relations resulting from socioeconomic differences among the parties involved in a conflict:

> *"Every time a problem occurs between two poor people, both of them will lose. But if one of the parties is rich, he will most certainly win. Money is power."*
>
> **(Interview, Palestinian boy, aged 14, Al-Bourj al-Chamali Camp, Tyre)**

5.9. Children's participation in decision-making in informal processes

Child participation is one of the main components of child protection systems and child-friendly justice. The nature and extent of child participation strongly determine development of the process and its outcome, and it is thus essential to explore the critical elements that would determine if and how children participate in informal processes affecting them. Most importantly, this is to be done through their own experiences and voices (direct participation as opposed to participation via a representative).

In this study, direct child participation was explored in these areas: (i) during the evidence gathering (Was the child able to give an account of events?); (ii) during the conflict resolution (Was the child given the opportunity to share her/his views on how to resolve the issue, and on his/her needs?); and (iii) after conflict resolution (Did the child give his/her opinion about the outcome of the case?).

An overwhelming majority of children interviewed across all the target groups stated that they normally do not have a say in informal proceedings and even when they ask what happened, adults will misinterpret their words in the interest of a fast resolution. Some children also stated that they do not participate in the discussions but are represented by their fathers (participation via a representative).

> *"My father will say what he thinks is most convenient for the family. Sometimes it is very unfair, as I am made to say things that I do not believe and that aren't the truth, but no one seems to care."*
>
> **(Interview, Palestinian boy, aged 14, Al-Bourj al-Chamali Camp, Tyre)**

> *"In that incident I had an opportunity to say what happened, but many incidents happened before that and will continue to happen. When informal actors are resolving issues, they don't give the child the opportunity to be in the whole process even when they are the main concerned person. They consider us unaware of what is in our interest, so they normally decide for us, and our parents just accept it."*
>
> **(Interview, Syrian boy, aged 15, Khiam)**

During the evidence-gathering of an informal process, the age of the child influences whether or not they are asked to give an account of the events: the older they are, the more likely they will be asked. Gender is also a determinant, with girls given significantly less choice to participate in informal processes in the name of "preserving their honor and that of the family" (Tdh, 2019b).

Children are generally excluded from the conflict resolution stage, particularly with regard to their involvement in proposing ways of resolving the dispute. Adults decide for them, with power significantly in the hands of the main informal actor brought in to mediate and resolve the problem.

Child participation in terms of expressing an opinion about the outcome shows a similar pattern in terms of age, with those consulted tending to be 14 years old or older. Interestingly, at this stage of the process, girls tend to be asked more frequently than boys if they were satisfied with the decision taken by the informal actor. This may be explained by the fact that girls are more often victims than offenders and more likely to be involved in cases related to bodily (and sexual) integrity, though their opinion is certainly not sought in all cases. In Fatima's[21] case, her opinion was not sought at all. Fatima is a Syrian adolescent girl, married when she was a child, who was not allowed to see her children after a divorce. She expressed great sadness and feelings of injustice about being cut off from her children and not having been given a voice in the process.

> *"My case was a conflict with my husband who thought that I was having an affair because of a text message I received. I knew that he didn't want me from day one of our marriage, but he used this particular incident as a reason to divorce me. At first, no one believed me, but later my father stood by me.*
> *My husband brought me to my parents' home and left me there. After that, he only contacted me through relatives and said that he wanted to divorce me. He said the elders in his family didn't want us to continue our marriage. We hadn't recorded our marriage at the court, but we had two children. The elders took a decision without speaking to me and simply sent someone to inform my father that they had given my husband permission to divorce me and that I was not permitted to see my children. I feel very sad about this. My father is the only one who supported me, but even he did not agree for me to see my children. No one ever asked me what had happened, and no one wanted to listen to me, I just received news of the outcome that I am divorced and that I cannot see my children. I was silenced."*

Data analysis regarding children's participation did not show any significant differences when using nationality as a potential differentiation criteria, indicating that child participation in informal child protection and child justice processes is largely absent across different communities and regions. Programmatic interventions should thus have a strong focus on enhancing child participation, as detailed in the recommendations in section 6 below.

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[21] Note that the name has been changed to maintain anonymity.

The place of the child in informal systems

- How childhood is defined has a fundamental impact on how informal systems perceive children: factors such as the child's perceived intellectual and physical maturity play an important role in determining whether the child is treated as a child or an adult.

- Criteria such as prior offenses and involvement in conflict (recidivism) are likely to be considered aggravating factors and increase the likelihood they would be treated as adults.

- While most informal actors assert that they do take the child's best interest into account, they fail to define in what way this is the case. Situations of sexual harassment or sexual/physical abuse within the family may be particularly illustrative of how the best interest of the child is often ranked secondary to other concerns such as the reputation of the family or best interest of the community.

- While children and adolescents pointed to the detrimental impact of the formal pathway and expressed deep mistrust in governmental actors, and more particularly criminal justice officials and formal child protection institutions, they also noted that the outcomes of the informal justice pathway can be unfair and unjust. Children often had concerns about being discriminated against depending on nationality and lack of resources in both formal and informal processes.

- An overwhelming majority of children interviewed stated that they normally do not have a say in informal proceedings and even when they ask what happened, adults will misinterpret their words in the interest of a fast resolution. The age of the child influences whether or not they are asked to give an account of the events: the older they are, the more likely they will be asked, while girls' voices are significantly less likely to be taken into account.

5.10. Criteria in choosing between formal and informal systems

It is important to understand the underlying factors that tend to influence the choice between formal and informal justice settlements. These choices appeared to be informed by trust, on the one hand, and an appraisal of the risks and dangers, on the other. After a consideration of these, this section will survey the factors that discourage recourse to the formal system and those that encourage informal resolution of disputes and problems.

5.10.1. Trusting the system(s)

A crucial factor determining the decision to pursue formal or informal pathways from the point of view of the involved parties, especially the children, adolescents, and their parents, is the level of faith and trust they have in the formal system, and in specific actors that may play a role in conflict resolution, whether formal or informal. Generally speaking, private actors with no institutional affiliation or particular influence on the child protection and justice systems, tend to lack trust in the formal system.

> *"People choose this or that system depending on the trust relationship they have with the informal actors."*
>
> **(KII, Social worker, NGO Himaya, Tripoli)**

Trust is based on a personal relationship which is usually easier to establish with informal actors. Personal factors may also determine the extent to which parties trust the system. In other words, participants expressed readiness to resort to the formal system in cases where a personal acquaintance would guarantee them fair treatment and a fair process.

5.10.2. Higher risk requires higher levels of formality

Another important criterion is the level of risk or danger associated with a case. This is the result of an appraisal either by the affected parties or by the informal actors involved in settling the issue. Risk factors that were generally named by interviewees can be broken down into the following criteria: the nature, gravity, recurrence, and frequency of the event; the age, personal traits, and connections/social status of the family; and the position and willingness of the family (or extended family) to resolve the dispute and take care of and manage the concerned child. Interviewees at all institutional levels frequently referred to the notion of risk, and indicated that high-risk cases are more likely to be referred to the formal system, although this is not always the case and some actors (in an informal role) will take the ultimate decision.

> *"In cases of sexual harassment, we transfer the file to Himaya NGO. The latter may file a lawsuit, for example, if they deem it appropriate. The risk is the defining element. We transfer high-risk cases to specialized associations. I haven't yet transferred any file myself, though."*
>
> **(KII, Representative, Project Protection, Tripoli)**

> *"We can tell from close observation of the child's attitude if there is a need for intervention or support. We may visit the child's home and take the required procedures (such as a written guarantee to keep the child free from any unlawful behavior). We also provide case management. However, if it is a high-risk situation, such as for instance sexual abuse or severe beatings, we refer to the formal system or UPEL. [...] When faced with a high-risk and extreme case, we tend to resort to the formal system."*
>
> **(KII, Representative, Insan Association)**

> *"Usually, the parents would report a problem, or the neighbors or organizations present within the camps. In cases where the problem is not very serious, we try to help in resolving it at the community level. But in cases where there is severe bruising, for example, we try to transfer the case to the juvenile court through NGOs."*
>
> **(KII, Social worker, Aakar)**

> *"As for the parents, they know that at some point in very dangerous cases the Lebanese child protection and judicial system, as well as the police, might need to intervene, but they always try to avoid that as much as possible."*
>
> **(FGD, Syrian mothers, aged 28-53, Saida)**

> *"High-risk cases where there is severe physical violence or harm should be transferred to the formal system. Other cases are dealt with through informal channels."*
>
> **(FGD, Child Protection Network, Al-Bourj al-Chamali Camp, Tyre)**

As the quotations illustrate, the level of risk is determined by the physical harm caused or suffered by the child, the physical damage, or the type of act (e.g. sexual harassment). The main problem is that informal actors tend not to follow a structured risk assessment, and while there are some commonalities in terms of criteria, there is wide variation depending on the informal actor who is dealing with a particular case. As shown above, it is clear that the opinion of the child at stake is not usually among the criteria considered to determine how a case is going to be handled.

> *"We always prefer to resolve issues away from the formal justice system; it is always better if family members can resolve issues related to children. However, when weapons are involved, we may have no choice except to go to the police."*
>
> **(FGD, Lebanese mothers, aged 35-52, Saida)**

The lack of cooperation on the part of parents is a risk considered by informal actors in almost all children's cases, as it may force their hand to refer the case to formal justice pathways.

> *"A mother refused our help after we called her politely. She even hung up on us. It was a sexual abuse case. The importance of the case and the high risk made us file a case with the formal system, as without the cooperation and willingness of the parents it is very difficult to proceed through informal channels."*
>
> **(KII, Social Worker, Himaya, Tripoli)**

5.10.3. Factors discouraging resorting to the formal system and encouraging informality

While a few actors pointed out that the legal basis for action in the formal system may ensure a more equitable outcome for all of the involved parties, most of the participants tended to express the view that the formal system should be avoided as far as possible. Formal and informal actors, as well as caregivers and caretakers, tended to agree that the formal pathway should remain a last resort when settling disputes. Children interviewees also expressed a preference for informal pathways. The primary arguments against resorting to the formal system were usually related to the barriers to accessing justice within the formal judicial system.

> *"People dislike courts, especially the Lebanese who prefer to resolve their problems amicably. Regarding the treatment of a child, there is a big difference between how the court treats a child and the children's rights standards on how a child should be treated."*
>
> **(Interview, Palestinian boy, aged 14, Al-Bourj al-Chamali Camp, Tyre)**

A range of factors contribute to this common attitude. They include some major issues with the formal system and fears of the consequences of becoming entangled within it.

Generally speaking, as the literature points out, the formal system tends to generate feelings of mistrust and intimidate the concerned parties. The formal system is difficult to understand because of its codes and formalities, and can be a source of great insecurity, for example due to the atmosphere in the court, the power imbalances, and physical and financial inaccessibility. It may also be discouraging to resort to the formal system when stories circulate about its slowness, ineffectiveness in delivering justice, and corruption.[22]

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[22] For background information on judicial corruption, see The Legal Agenda (2017).

> *"The informal system is better for the benefit of the child. Some children learn from their guilt and don't repeat their wrongdoings, while others don't. It is always better to resolve the problem before it reaches the level of the court. Around 90% of children in prison are serving sentences for stealing or similar not particularly serious issues."*
>
> **(KII, Lawyer, Father Afif, Oseiran Foundation)**

Interviewees pointed to various dysfunctionalities in the formal system. These include instances of corruption, biased judges who may be influenced by political pressures or personal incentives,[23] and miscarriages of justice including unlawful and unjust detention or sentences. Many participants recounted stories about individuals they claim had been unfairly sentenced to crimes they did not commit and about public officials who took bribes.

> *"We know that the formal system is equal to jail — this is why we should apologize for our mistakes and ask for forgiveness."*
>
> **(KII, Judge at Sunni Court, Mount Lebanon)**

Furthermore, others expressed concerns over extended periods of pre-trial detention. This practice is indeed a problem within the Lebanese legal system. Evidence-based studies have shown that courts often do not respect nor comply with the maximum pre-trial detention periods as set by the criminal procedures law and that pre-trial detention is often extended far beyond the maximum legal period (Frangieh, 2019).

> *"There is no trust in any part of the state: the government, police, or the courts. We have seen so many cases of innocent children and youth in jail even though they did not go through a trial at all."*
>
> **(FGD, Lebanese mothers, aged 35-52, Saida)**

Some interviewees also mentioned violent treatment at the hands of police officers as a factor discouraging them from making contact with the formal system.

> *"Nooooo! We'd rather fix our issues without the police, because police officers are very harsh and never take into consideration the needs of children, especially if they are Syrians."*
>
> **(FGD, Syrian boys, aged 14-17, Khiam)**

> *"The courts usually take so much time and cost a lot; even if we wanted to, we could not afford to have good representation with guarantees of a fair trial."*
>
> **(FGD, Lebanese mothers, aged 35-52, Saida)**

In the case of Syrians and Palestinians, a further important dissuasive factor is the discrimination and racism they face from state actors and Lebanese society more generally. Most agreed that in a dispute with a Lebanese national, the outcome would be favorable to the Lebanese party, and their own rights completely disregarded. These two major groups therefore have little faith in the Lebanese formal system and try to avoid it at all costs. This relates back to the issues of judicial independence from other governmental powers with certain political agendas, and the extent to which courts can provide a space for marginalized communities beyond xenophobic discourses and stereotypes.

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[23] The failures of the Lebanese justice system to guarantee a fair and independent trial have been thoroughly analyzed and studied by various researchers. For more background on judicial independence in Lebanon, see, The Legal Agenda (2018).

In the case of Syrian refugees, the efforts put into avoiding the formal system are even greater, given their fragile legal status. Data from 2018 indicated that 73% of Syrians in Lebanon lack legal residency and risk detention for unlawful presence in the country (UNHCR, UNICEF, & WFP, 2018). Getting involved in a legal matter is a danger for them given their illegal residence in Lebanon. Lacking valid papers, they are wary of legal issues and avoid formal institutions, further entrenching their isolation from the protection of the rule of law. It is important to note that children have legal residency through their parents until they reach the age of 15, after which they are required to obtain their own legal residency documents. The General Security issued regulations in March 2018 allowing Syrian children who turned 15 to 18 after entering Lebanon and who do not have a Syrian passport or national identity card to obtain temporary residency in Lebanon. The issue of "paperlessness," may also affect non-Syrians, however. Under the Kafala sponsorship system, sponsors or recruitment agencies often confiscate official papers and documents of domestic workers (Nasri & Tannous, 2014). Furthermore, thousands of stateless persons living in Lebanon are considered legally "non-existent" by the Lebanese state.[24] One of the main reasons that those without paperwork stated that they do not have access to justice at the formal level, and would not resort to formal justice, is out of fear of detention for not having valid documents.

Another important factor discouraging recourse to a formal pathway is potential damage to the reputation of a child or their family. Regardless of the outcome, being involved in a justice proceeding may have lasting negative repercussions for the concerned individuals:

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24 There are no precise figures regarding how many fall into this category, but the number is thought to be increasing due to many families' multigenerational statelessness, and increased displacement and migration. See the Joint Submission to the Human Rights Council at the 37th Session of the Universal Periodic Review (2020).

The issue of reputation was frequently mentioned in relation to the involvement of girls in the formal system. This is particularly problematic, because it obstructs access to justice for girls, since serious violations of their rights including sexual harassment, sexual assaults, and rape remain secret in order to avoid scandal or damage to the girl and her family's reputation (Karame, 2020). When these issues are actually reported to formal actors, they are likely to lack awareness and training regarding how to handle them in a way that takes the child's best interest into account. This is also a result of strong patriarchal structures embedded in the justice proceedings (that are mainly male-led) and the lack of "judge craft"[25] in managing and applying survivor-centric approaches. This is the case not only at the level of formal child protection and justice processes, but is also prevalent and widely criticized within informal mechanisms as well.

The reactions in a focus group discussion to one of the scenarios presented by the interviewers about a girl who was sexually harassed are particularly revelatory in this respect:

> *"The girl should talk to someone older than her or her mom, but we understand why she might be afraid to because the reaction of the families will probably be unfair for the girl whatever happens. The mother might hide the issue to avoid conflict with the male family members and to protect her daughter. Even the police officer will be sexist and will probably blame the girl. They are never treated as survivors. […] Society is getting worse and worse when it comes to the situation of girls. […] Now girls cannot leave their homes or even go to the shop right where they live because of the harassment cases that are happening, and all of this causes depression for girls and creates obstacles for their education and professional futures."*
>
> **(FGD, Lebanese mothers, aged 35-52, Saida)**

Finally, individuals may also be wary of resorting to the formal pathway because of potential harmful repercussions. For instance, if the accused party has power or connections to individuals in power, they may seek revenge:

> *"Also one of the reasons people might avoid the police is if the family fears revenge; maybe the family of the perpetrator has power and they will harass them if they file a case against them and consider them to be challenging or confronting them. So, the preference is to resolve issues in an informal way."*
>
> **(KII, Representative, NRC)**

The informal system is perceived to remedy some of the dysfunctionalities of formal pathways and is therefore often presented as a more viable alternative for child protection justice issues. Informal systems may be "more accessible than the formal mechanisms and have the advantage of quickly and relatively inexpensively proposing responses tailored to cultural specificities. Such systems can serve as an alternative to official proceedings against children and are likely to contribute favorably to the change of cultural attitudes concerning children and justice (UNCRC, 2019). Other factors in the decision to opt for informal justice solutions include financial accessibility, geographic and linguistic accessibility, familiarity, expedience in terms of swiftness of process and outcome, and respect of cultural imperatives (Tdh, 2016c).

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[25] "Judge craft" is understood as the process of reinforcing through different levels the role of the judge to ensure stronger child-friendly justice responses: judging aptitude to be linked with substantial legal knowledge, but also with the development and reinforcement of specific human skills including, but not limited to, fairness, transparency, effective communication, oral and writing skills, handling of difficult situations and parties, stress management, and continuous self-development

These reasons were reiterated by the interviewees in this study:

> *"Informal justice pathways should be present to support children. Sometimes you have to go to the informal system to be more efficient and practical when the official system is not functioning well. So basically, we need both, combined under MoJ or MoSA. We should have a good unified system, because even in the formal system you can find different judges (in different areas) reacting differently on similar cases."*
>
> **(KII, Representative, UNRWA)**

> *"The formal system is firm and tough, and this is where the informal system comes in. I think that the formal system is very inflexible and restrictive."*
>
> **(KII, Representative, UNODC)**

> *"Not everyone can afford the financial costs of a formal process, and other people might be ashamed to engage in a formal pathway."*
>
> **(Interview, Greek Orthodox Judge)**

The two following examples illustrate situations where a case was referred to the formal system too quickly. In both cases, the interviewees suggested that an informal solution would have been more appropriate to the case and that external pressures, such as politicians or media coverage, or a lack of tact or competency, may have engaged the formal justice process too quickly and unnecessarily.

> *"During one of the protests in Beirut in January, a father was holding his daughter against the water and people considered that he was using her as a shield. UPEL opened a protection file against the father, but there was no actual assessment of the case before the file was opened. Neither MoSA nor even the community checked the actual story behind what they saw. Maybe there was some form of exploitation and maybe not, maybe the harm caused by the filing of the case and the investigation will be bigger on the child (separation from her family for instance), and we don't know how much the social worker will be ready to work with this case: this always depends on the type of the offense and its gravity."*
>
> **(KII, Representative, UNICEF)**

> *"A 15-year-old child beat his teacher. The problem is that the case went viral through the media so it was dealt with by the formal system straightaway. This formed an obstacle for the informal system to intervene in resolving the case. However, another teacher intervened to reach an amicable settlement. If a case is already before the court, the informal methods might be unable to help or face obstacles in doing so. The PSF in the camp prefer amicable settlements because the formal pathway is always worse."*
>
> **(FGD, Child Protection Network, Al-Bourj al-Chamali Camp, Tyre)**

While it became apparent that the two main determining factors are socio-economic vulnerability and nationality (or lack of it due to unavailability of legal residency documents), the data indicated that even privileged families avoid going to the courts or resorting to formal child protection channels. They tend to prefer the informal systems, especially when the issue at stake entails potential risk to the reputation of the family.

> *"Social class is linked to preserving a good reputation at all times. When the child's dispute may affect that, even slightly, it is highly unlikely that they will use formal mechanisms which do not ensure confidentiality and can lead to everyone in the community finding out about the case. This is very clear especially in cases concerning girls. Wealthy people have their own informal connections to deal with problems."*
>
> **(KII, Religious judge, Druze Appeal Court, Beirut)**

5.10.4. The considerable risks in informal justice processes

Finally, it is to be noted, as found in the study analysis, that many of the barriers to child protection and justice that participants mentioned apply to both formal and informal justice processes, especially in situations characterized by power imbalances and feelings of distrust.

> *When the Lebanese neighbors or their children are harassing us, we know that neither the formal nor the informal pathways will treat us fairly. So, we have to run away from the problem by moving, which creates huge psychological issues for us and our families. […] In the past seven years we have moved into seven different homes. Many times, we are not allowed to play or to make any noise even inside the house. We are told, 'Don't speak loudly,' 'Don't laugh,' 'Don't play,' and all the time we hear comments like, 'It is not your country,' 'You have no rights here,' and many more things like that.*
>
> **(FGD, Syrian girls, aged 14-18, Khiam)**

Furthermore, the analysis of the data collected shed light on the very particular potential risks and disadvantages of informal justice. Among the most mentioned were heightened risks of

■ Bias of the actor and unilateral decisions; the informal justice actors may reinforce existing power hierarchies and social structures at expense of disadvantaged children. The idea of consensus and socially harmony are not always reached democratically, but many times the decisions imposed by informal justice actors are far from consensual (Wojkowska, 2016).

■ Lack of accountability; although the informal justice proceedings are usually conducted in public view, they are not accountable. There are no specific measures such as the right to appeal or minimum standards to follow. As such the fairness of proceeding is up to the person conducting them (Wojkowska, 2016).

■ Lack of a child rights-based approach; most of the informal justice actors are not familiar with children's rights and they are not taking into consideration the participation, representation of children in decision making, while they might ignore some of the main principles related to Child's Rights Convention.

■ Gender-blind mindset leading to serious child protection concerns; The informal justice system is often dominated by men and tend to exclude women. As result, the needs of girls and potential risks are not represented and highlighted as important factors, while the male informal justice actors are usually not considering and applying gender-based approach in their decisions.

The informal justice processes may burden those who are socially disadvantaged and provide a tool to pressure the weaker party. From a child's rights perspective, the following quote might be considered to be problematic:

> *"We must strive to resolve the dispute, and especially to reach an amicable settlement, through compromises. Parents will also always provide a guarantee not to go through the formal pathway".*
>
> **(Interview, Representative, Committee for Women and Children Affairs, Tyre)**

> *"Within the formal pathway, rights are more respected than within the informal one. The latter has its own regulations and practices, which are sometimes very dangerous for children's healthy development."*
>
> **(Interview, Sheikh, Chaar)**

Recap box

Criteria in choosing between formal and informal systems

- Level of faith and trust in the formal system and in formal or informal actors are determining factors.

- High-risk cases are more likely to be referred to the formal system. The level of risk is determined by the physical harm caused or suffered by the child, the physical damage, or the type of act (e.g. sexual harassment). Formal and informal actors, as well as caregivers and caretakers, tend to agree that the formal pathway should remain a last resort when settling disputes.

- The formal system tends to generate feelings of mistrust and intimidate the concerned parties. It may also be discouraging to resort to the formal system when stories circulate about its slowness, ineffectiveness in delivering justice, and corruption. The informal system is perceived to remedy some of these dysfunctionalities and is therefore often presented as a more viable alternative for child protection justice issues: more accessible, quick, not expensive, and suited to cultural specificities.

- Syrians and Palestinians expressed being discriminated against by state actors, and do not consider a favorable outcome to be possible in a dispute with Lebanese nationals.

- The issue of reputation was frequently mentioned in relation to the involvement of girls in the formal system. This is particularly problematic, because it obstructs access to justice for girls, since serious violations of their rights including sexual harassment, sexual assaults, ad rape remain secret in order to avoid scandal or damage to the girl and her family's reputation.

- Many of the barriers to child protection and justice that participants mentioned apply to both formal and informal justice processes, especially in situations characterized by power imbalances and feelings of distrust.

- The informal system includes heightened risks of bias of the actor, lack of accountability, unilateral decisions, lack of a child rights-based approach, and a gender-blind mindset leading to serious child protection concerns. Of particular concern is that informal justice processes may burden those who are socially disadvantaged and provide a tool to pressure the weaker party.

6. Moving forward — Practical and actionable recommendations

The following section provides programmatic recommendations to engage and work with informal child protection and child justice systems in Lebanon. They emerge from an analysis of the data collected and a desk review, and are aligned with the most common general recommendations in the field's literature (IDLO, 2011; ICHRP, 2009; Tdh, 2009, 2011, 2016c, 2017, 2019a, 2019b; UNDP, 2006; UNDP, UNICEF, & UNWOMEN, 2012), although they also provide very specific contextualized actions. The aim of these recommendations is to strengthen respect for children's rights, while ensuring that interventions are not considered by communities to be unwelcome intrusions into traditional mechanisms. With this in mind, before laying out the recommendations, we discuss some necessary preliminary considerations.

Situation Pre-analysis

The deeply heterogeneous nature of informal systems requires precise mapping and analysis of informal child protection and justice mechanisms within the local context in which interventions to support them are to take place. To effectively address barriers of access to child protection and justice, strategies and reforms must be designed in and for the specific local contexts and the process must be driven by national actors — both claim holders and duty bearers — such that solid child-centered and gender-responsive approaches can be mainstreamed. There has been a renewed interest over the past couple of years in the importance of working with informal systems and formal actors towards realistic and actionable synergies in contexts of legal pluralism. The UNCRC, for example, in its most recent General Comments 24/2019 acknowledges and seeks to foster interrelationships between formal and informal systems, highlighting that consideration of the informal systems is essential for advancing the rights of children with regard to child protection and justice reform. It also emphasizes that restorative justice responses for children are often achievable through informal systems, which may provide opportunities for learning for the formal child protection and justice system.

This study's recommendations, tailored to the very specific context of Lebanon, take a significant step in such a direction, but the implementation of each of the recommendations provided below should nevertheless be adjusted to further contextualized, local pre-analysis. This pre-analysis should be treated not as research but as the development of contextualized operational guidance as a prerequisite for any in-field intervention, operationalizing the concrete findings of this study. Informal practices vary in time and space, and across regions, neighborhoods, communities, and actors in Lebanon, even more so in a tense and volatile context, and so microanalysis and subsequent adjustments are strongly advised.

RECOMMENDATIONS

The vision: Working towards synergizing the informal and formal systems

The pathways identified in the report present a strong basis to focus the programmatic vision on comprehensively strengthening informal justice mechanisms, with a focus on those that feature some collaboration with formal systems. Fostering "hybridity" with all due safeguards for children would maximize the positive qualities of both systems, enabling them to reinforce one other.

Monitoring and Evaluation: A specialized and adapted framework for child protection and informal systems in Lebanon

Given that the majority of informal systems do not keep records, there are significant challenges when it comes to monitoring and evaluating the impact of interventions in the field of informal child protection and child justice, limiting the possibility of evidence-based adjustments and improvements. While there is certainly a growing literature on informal systems, monitoring and evaluation of projects working with informal systems remains rare and there are barely any specialized monitoring and evaluation frameworks. The need for monitoring and evaluation should be balanced with the qualities of informal systems that are attractive to their users (i.e. accessibility, fluidity, understanding of local context). The heterogeneity of forms and contexts and the unwritten nature of laws and decisions within informal systems further

complicates the task of data-gathering. Effective monitoring and evaluation would require long-term investment, a significant amount of work and resources, and should become a project in its own right. It is worth noting that investing in the development of a country-specific monitoring and evaluation framework for child protection and child justice informal systems would document the evolution of these systems, ensure accountability, aid in gaining recognition from the formal authorities and, ultimately, would be a strong call for donors' financial investment. It would be advisable that this exercise is strongly coordinated by UNICEF Lebanon while engaging key organizations working in different areas of the country with trustworthy relationships with informal actors (see the next recommendation for interdisciplinary coordination), in addition to the involvement of with formal actors for levels. With regard to Sustainable Development Goal (SDG) 16.3 to "promote the rule of law at the national and international levels and ensure equal access to justice for all," there has been a solid push to include as a particular indicator (16.3.3) the disputes accessed by the individual through a "formal or informal dispute resolution mechanism, by type of mechanism." It is highly advisable to sustain a child-centered approach as the main approach of a concrete monitoring and evaluation framework for child protection and justice informal systems and avoid allowing the focus to become the informal actors themselves. Who the informal actors are matters, but the organizing focus should be on the entry-points, processes, and outcomes that are ultimately beneficial for children.

Finally, it is recommended that all guarantees are put in place to avoid feelings of intrusion into community-based structures. As part of this, child-friendly and gender-sensitive focuses should be carefully and significantly incorporated into the approach, such that they can be accepted by informal actors and assimilated into accepted traditional processes and norms, fostering gradual change from the inside.

SNAPSHOT

✓ Development of a country-specific monitoring and evaluation framework to assess in a structured manner the evolution of informal child protection and child justice systems over time. The evidence-based entry points captured in this study can be used as a baseline.

✓ It is imperative that monitoring and evaluation systems and processes be developed with key informal actors as per identified in the study, generating a database that is dynamic, revised across time capturing the trends, evolution of the improved mechanisms in child protection and justice areas. Informal actors' buy-in into making their systems more responsive to children is essential.

✓ The focus of the monitoring and evaluation framework is the advancement of children's rights within informal processes. The synergies between formal and informal systems are effective to the extent that they reinforce children's rights and ensure that the case outcomes are focused on the best interest of the children.

✓ While the monitoring and evaluation framework would be complementary to programmatic framework, its development should be a standalone project.

Smart interdisciplinary collaboration and partnerships that emphasize Lebanon's diversity

Beyond a mere nominal collaboration, an effective partnership plan in the field of child protection and child justice informal systems is essential, given their prevalence and diversity within Lebanon. This is particularly relevant for adapting interventions to local needs and contexts. It is recommended that a board is set up of actors specialized in programmatic framework in Lebanon enabling interdisciplinary work and coordination. A mapping and assessment of these actors (partnership matrix) is to be carried out before forming the board. This board would delimit the technical and geographical areas of action of each of them and set central common milestones to jointly develop: common training materials; combined development of standards and prerequisites for intervention in the field; joint communicable messages and advocacy actions at national, regional, and international levels; and a concrete information-sharing mechanism that ensures diversity and a safe, confidential space for experimentation, failure, and adaptation. The board should be ideally performing an evaluation/update every two years.

Key factors in mapping out the partnership matrix should include: who has access to them and trusts them, who is specialized in working with informal and/or hybrid systems, and who can bring precise cultural understanding. Consistent and concerted interventions are necessary to preserve sensitive relationships with communities and the key actors in informal systems and to ensure harmonized approaches, while acknowledging and promoting diversity among and within them.

✓ Mapping, definition of roles, actions, and area(s) of responsibility of key diverse partners with access to informal actors across the country. Convening a highly specialized group as a board.

✓ With full respect for the diversity of the different local level systems, this board of specialized actors would set common milestones to jointly develop training, common standards, joint communicable messages and advocacy actions, and commit to information-sharing.

Develop common and inclusive advocacy terminology and develop awareness-raising

As explored in this study, informal pathways are diverse, reflecting the amalgam of communities in Lebanon and the context of legal pluralism, and also overlapping in various ways with formal avenues. The ecology of child protection and child justice should be considered in a broad sense, emphasizing the positive commonalities of the informal and formal systems. The focus in this ecological approach is less on whether actors and pathways are formal and/or informal, but rather on identifying the optimal entry-points to address child protection and justice gaps. The agreement around a consistent language and streamlining of messaging is crucial. Progressive changes in the narrative can deliver powerful messages to key informal actors, such that they feel their work is valued and recognized, rather than scrutinized and compared to the formal systems. Consider shifting and/or nuancing the programmatic framework with more inclusive terminology and narrative in relation to the overall goals. Finally, it is highly recommended that information informed by a child rights-based approach on how to properly use formal and informal pathways be made widely available. Targeted awareness remains important, given that most parents and children who participated in the study indicated that they lack information on how to handle these processes and where to seek avenues for support.

✓ Development of a set of key narrative points to enhance consistency in advocacy messages. The ecology of child protection and child justice should be considered broadly, emphasizing the positive commonalities of the informal and formal systems and avoiding comparison or polarization among them. Foster the use of key words such as synergies, inclusiveness of informal and formal systems, hybridity, etc.

✓ The central advocacy approach should revolve children's rights and child protection, not the systems themselves. This narrative would be more neutral and thus enable engagement from actors across different systems.

✓ Information campaigns (child-led as much as possible) with standardized messaging targeted to parents and children, who often lack information on how to handle cases or how to seek support (in both the formal and informal systems).

Tailored capacity building with informal systems: The "solution" lens

Traditional child rights capacity building approaches with informal system actors, which have broadly entailed a top-down approach, have not been shown to deliver significant results, though they remain relevant. Participants tend to perceive them as something alien that cannot be aligned with the social norms, values, and traditions that their communities adhere to in order to maintain "community harmony."

Effective and tailored approaches to capacity building with key informal actors as per identified in the study should thus consider new elements. (i) Blended methods are recommended, where delivery is not framed as training as such, but entails dialogue-based sessions, community forums, and/or get-together assemblies in which the informal actors are given a central place. It would be important to allow for space to understand the basis of informal processes of decision-making and the reasons behind them (the "trainer" playing a learning role as well). (ii) The capacity building should be presented as being about promoting fairer and more effective community-based and child-focused solutions at the informal level, in cooperation with formal actors, and as such, as an opportunity for informal actors to enhance their credibility and the legitimacy of their work. (iii) Built-up themes are to be relevant as perceived by the participants: focusing on issues such as governance skills including corruption, participatory representation, negotiation skills, and enhancing local cohesion.

(iv) Child protection and gender equality focuses should be carefully and significantly incorporated into the selected themes such that commonalities with existing practices are identified first, and then space opened for targeted improvements in specific parts of the informal processes. (v) Capacity building for women in informal processes is to be tailored to increase their involvement, legitimization, and empowerment (see recommendation below).

Social behavioral change activities are recommended as the baseline approach for conceptualizing the capacity building schemes but it should be noted that these require time and a solid monitoring and evaluation tool to measure change, identify flaws, and adjust accordingly. In case of Lebanon, the informal justice actors could be included both as target but also as participants in the activities and initiatives related to Qudwa – Social Behavioral Change and Communication Plan (SBCC), led by UNICEF and MoSA and implemented by several national and international actors. The SBCC is based on methodology of using the communication to change behaviors by positively influencing knowledge, attitudes and social norms through community activities and interactive approach. The positive reinforcement through the engagement of informal justice actors could influence their decision making and enhance the gender and child's based approaches.

Finally, capacity building approaches to informal systems involving children should be centered on general best practices, focusing on child cases that have been resolved by informal actors, including collaborating with formal actors, in a way where social norms have been applied positively concerning the best interest of the child. The aim should be to identify and explore positive solutions and arrangements for children that are taken by informal actors to foster standardized practices based on "what works" when using a child rights-based approach at the informal level. This would require a concrete compilation and analysis on the decision-making patterns and best practices in terms of solutions provided by informal actors in cases related to children.

SNAPSHOT

✓ Development of tailored capacity building actions that include new elements: (i) dialogue-based sessions (individual and collective, depending on the different aims), community forums and/or get-together assemblies in which the informal actors are given a central place; (ii) the main goal of the capacity building is to provide fairer and more effective community-based and child-focused solutions at the informal level, in cooperation with formal actors: this will strengthen the credibility of informal actors; (iii) built-up themes are to be relevant as perceived by participants: focusing on issues such as governance skills including corruption, participatory representation, negotiation skills, enhancing local cohesion; (iv) child protection and gender equality focuses should be carefully and significantly incorporated into the selected themes. Abandon top-down teaching-learning traditional capacity blinding approaches that are not proven to be effective with informal systems.

✓ Specific capacity modules for female informal actors are to be developed to increase their involvement, legitimization, and empowerment.

✓ Capacity building plans and materials are to be grounded in social behavioral change methodologies, including setting up goals that can be assessed over time.

✓ Apply a "solution lens" to the capacity building actions. Foster standardized practices based on "what works" by identifying and exploring positive solutions and arrangements for children that are taken by informal actors.

Child participation within informal processes: Fostering child-led interventions

One of the most significant deficiencies identified in informal processes through this study is the almost total absence of child participation at any stage of the processes that directly concern them. This is very much related to perceptions of childhood (and gender) informal actors hold (discounting the views of younger children, discriminating against girls due to patriarchal social norms, etc.), the misconceptions and lack of operational guidance in the application of the best interest of the child, the misled belief that adults always know better what is best for children, among others factors.

Therefore, the challenge is great, and interventions should be designed in a very intentional and targeted way. A general child participation approach won't suffice. Rather child-led interventions should govern the implementation of all of the recommendations on child justice and child justice informal system programming contained in this report. Moreover, it is essential to place great importance on children's age, development? and gender using an "evolving capacities" narrative approach. The latter "provides the framework for ensuring an appropriate respect for children's agency without exposing them prematurely to the full responsibilities normally associated with adulthood" (UNICEF, 2005).

Greater child-led participation should be advocated for and applied in child protection and child justice decisions made within informal and state-led policy and planning processes, including national actions on how to enhance synergies between the formal and informal systems. A recommended starting point is to develop, with the specialized actors board and using a community participatory approach, a child-led charter of principles of child participation in informal processes and use this resource as the launching material of the programming on informal systems in Lebanon.

SNAPSHOT

✓ A child-led approach is to be applied in all the actions of the programmatic framework, including advocacy efforts.

✓ Place great importance on different cohorts and gender considerations within the framework of an "evolving capacities" narrative approach.

✓ Develop, with the specialized actors board and using a community participatory approach, a child-led charter of principles of child participation in informal processes and use this resource as the launching material of the programming on informal systems in Lebanon. Selected informal actors to mobilize community members and convince them to endorse the child-led charter of principles. Selected informal actors with influence would be involved to gather their community members to promote the approach. It would serve as a strong statement of intentions using the best of their capacities and connections to cooperate with formal actors for the children's benefit. This resource could be used as the launching material of the programming on informal systems in Lebanon.

Gender justice approach to children's involvement in informal systems

The role of women as a fundamental actor in informal processes pertaining to children is not very developed in Lebanon, although the entry-points presented in this study could be used as a way to prioritze actions concerning them. There is strong evidence that female's participation leads to greater effectiveness in violence reduction and conflict prevention. Practitioners believe that this is because the perspective they bring facilitates a more in-depth understanding of key actors and conflict, as well as family and community dynamics. Seen as empathetic and trustworthy, women also have greater capacity to obtain information from key stakeholders that enables them to propose relevant solutions. They could thus be active contributors in informal-led processes fostering positive community discourse, especially given the strategic and multifaceted position that they occupy. This is particularly important in the context of Lebanon, where there is a prevalence of issues/cases pertaining to different forms of GBV against children, but also perpetrated by children: sexual harassment, sexual assault, honor-based violence, and child marriage being the most commonly mentioned by the study participants (female adults, female adolescents, and girls). Entrenched patriarchal structures at the community level, as well as the fact that both formal and informal processes are male-led, prevent appropriate responses to these types of issues, leading to impunity around such violations and the victimization of girls, sometimes leading to death.

Means of representation for women in informal processes should be developed. Representation needs to be made meaningful and efforts must be made to shift prevailing power relations. While achieving an increased role for women will not be easy, as it effectively entails swimming upstream against a steady current of ingrained stereotyped gender roles and entrenched patterns of exclusion, it is essential in order to reduce gender bias in decision-making at the local level and ensure that girls' interests are not overlooked or discounted.

Child protection and child justice programming in Lebanon should not only mainstream gender elements but very intentionally include sustained gender-specific actions. In this regard, it is recommended that the "gender justice" language/narrative that is strongly emerging at both formal and informal levels in the Middle East region, and in Lebanon in particular, be used while retaining a focus on child rights such that children's issues are made more widely visible.

SNAPSHOT

✓ One component of the programmatic framework on reconciliation and conflict resolution, including advocacy efforts, should be directed to gender dimensions in a way that goes beyond mainstreaming and includes a gender-specific component focused on the role of women in those processes.

✓ Representation of women in informal processes to be fostered. A good starting point would be the best practices developed in this regard at the level of the Council of Mukhtars. The role of women is to be considered from the onset with regard to the local-led child protection and child justice practices proposed below (family group conferencing, mediation, restorative justice).

✓ Leverage the "gender justice" narrative in the programmatic framework, linking with this wider narrative while retaining a focus on child rights such that children's issues are made more widely visible.

Promoting community-based diversion through the formal non-judicial pathway

Law 422/2002 does not include diversion mechanisms —measures for referring children away from the judicial system, at any time prior to or during the relevant proceedings. This is not in alignment with international regulations and standards of child protection and child justice. As shown in the previous sections of this study, the so-called "formal non-judicial pathway" presents a window of opportunity, as it comes close to the idea of diversion, to progressively introduce it and foster de-judicialization options for children that involve informal actors.

Amendment of the law in this direction would be a very concrete and compelling advocacy demand in Lebanon. Both in terms of promoting diversion and promoting the cooperation between state and non-state actors, such a move would be supported by the contemporary international child justice sector (as highlighted above, SDG 16.3, UNCRC Committee GC 24/2019, etc.) and, hence, would be grounded in current best recommended practices. An amendment to the law would provide the necessary legal basis for such extrajudicial responses and would have the potential to mitigate some of the risks that informality currently poses.

SNAPSHOT

✓ Design and develop a "targeted" advocacy campaign towards the inclusion of diversion as a process to be regulated by Law 422/2002. This concrete advocacy opportunity on the de-judicialization of processes for children would be grounded in the current best recommended practices.

Promoting "structured" local-led child protection and child justice practices: restorative justice practices

It appears that Lebanon has not yet considered how to conceptualize practices that could bring a more "structured" process to handle children within the informal system, although this is already taking place in other countries, including in the Middle East region. The sense of "structured" should come in without hindering the qualities of informal systems that are attractive to their users (i.e. flexible, accessible, culturally adapted, affordable, speedy, confidential, etc.) and should also be presented to the informal actors as a way to legitimize their position and their roles as fair, trusted, and driven by concern for community harmony and the protection of their children.

Restorative justice practices such as family group conferencing and/or mediation (which involves a neutral party helping the parties arrive at the most suitable solution) could be standardized — then tailored to the context as required, given the diversity at the local level — and rolled out through actors in the informal system in cooperation with formal actors to foster synergies. These practices would present an opportunity to streamline issues that the analysis showed to be key (i.e. gender bias, racism, gender-based violence forms, child participation, etc.), as well as address wider concerns of social fragmentation, enhance the "reconciliation" approach to resolving disputes, and provide a means to check-list key criteria around the application of the best interest of the child.

It is worth noting though that the Law 422/2002 has laid some basis of restorative justice in some of its articles, such as article 2 - 'adoption of friendly solutions' or article 11 – 'community work for the benefit of the victim'. At first, restorative justice practices standardization would not necessarily entail legislative reform and can be presented as aligned with the values of Law 422/2002 and, hence, as positive law enforcement development. Beginning with a pilot approach is recommended, and in a second stage, evidence-based advocacy could be fostered to develop secondary legislation/bylaws, building on the already approach that the mentioned articles of Law 422/2002 presents.

SNAPSHOT

✓ Standardize and roll out practices such as family group conferencing, mediation, or restorative justice processes through actors in informal systems, in cooperation with formal actors.

✓ A regional best practices approach is to be highly considered, given the positive examples that have already developed in neighboring countries.

✓ These practices would present an opportunity to streamline issues that the analysis showed to be key (i.e. gender bias, racism, gender-based violence forms, child participation, etc.).

Building up the concept of "paralegals" with actors and institutions involved in child protection and child justice informal processes

Paralegal actors and institutions in the field of child protection and child justice informal systems are frequently referenced as good practice in the international literature, and such a recommendation would be relevant to the Lebanese context. According to the study participants, NGOs, social workers, psychologists, etc. are likely to operate as paralegals when they have good relationships with the local actors, such as the Mukhtars and other religious and political leaders. They often bring a child protection approach, which is sometimes missing with actors who are judicial even those who wear a formal-informal "double hat."

The concept of paralegals and the details of what it entails should be developed and promoted. As part of this, paralegal operational standards for child protection and child justice informal systems in Lebanon should be produced and specifically designed training delivered. These paralegal actors tend to take on the role of an external and neutral child advocate (related to the "ecology" approach as recommended above) and can thus be a nexus between the formal and informal systems, fostering synergies between them. Through in-depth knowledge and a mindset respectful of informal principles

and practices, coupled with appropriate training and personal skills, they can potentially mitigate the negative aspects of informal processes that were identified by the study participants as major concerns, such as the influence of relationship networks and unequal power.

With regard to paralegal work, NGOs (particularly as part of the board of specialized actors working on interdisciplinary partnership as recommended above) would take on hybrid roles as both formal and informal actors. Depending on the specificities of each community and context, these NGOs can use their position strategically and act as a central networker. Moreover, given their wide-ranging expertise and resources, they can also support individuals in relation to broader issues they are facing, including those that are not immediately related to contact with informal processes but that impact them (i.e. prevention of violence and reintegration strategies, see next recommendation below).

SNAPSHOT

✓ Develop paralegal operational standards for child protection and child justice informal systems in Lebanon including specifically designed training. These "paralegals" could be NGOs, social workers, psychologists, etc. that play the role of child advocate and are seen to be neutral, and so can be a nexus between the formal and informal systems, fostering synergies between them. Their presence in the process would bring child protection knowledge, which is often missed.

✓ The paralegals can also support families and children through prevention and reintegration processes for children, which remain undeveloped at the informal level but are very much related to them.

Broad but focused and contextualized action on "social cohesion" within informal systems

Prevention of violence (including extremism and radicalization that is conducive to violent behaviors) should be factored into informal systems program design and linked with peacebuilding interventions that adopt an intergenerational approach. Xenophobia, racism, and discrimination are to be addressed as very concrete barriers to accessing child protection and child justice at both formal and informal levels. The "social cohesion" approach should be applied in an intersectional way, emphasizing the concrete vulnerabilities of specific child groups (i.e. gender, age, nationality, refugee status, disabilities) as identified in the Lebanese context.

Restorative justice approaches are very suitable in contexts where social cohesion needs to be enhanced and can serve as a way to structure actions and operationalize them with already agreed upon main standards, although contextualization would be needed to maximize their impact. Finally, the same considerations as recommended above on the need to prioritize child-led social cohesion messages and actions at local and national levels and the need for strategies specific to age cohorts (child, adolescent, and young person as a minimum) also apply here.

SNAPSHOT

✓ Design and include within the programmatic framework and advocacy efforts peacebuilding interventions that adopt an intergenerational approach, inclusive of prevention of violence (also with a focus on extremism and radicalization that is conducive to violent behaviors).

✓ The "social cohesion" approach should be applied in an intersectional way emphasizing the concrete vulnerabilities of specific child groups as identified in the Lebanese context, notably the impact of xenophobia and racism as significant barriers to accessing child protection and child justice at both formal and informal levels.

Sharing point: parenting support and masculinities curriculum focused on the identified informal justice pathways

The analysis raised by this study shows that parents of children in contact with the law are often overwhelmed by the issues facing their children and suffering from anxiety and helplessness especially in relation to the potential consequences of the formal or informal processes. This is deepened by a lack of understanding of the nature and the mechanisms of child protection and justice processes in both systems. Existing services that offer parental support should focus on expanding their services to include child protection and legal-related concerns within informal pathways as well as avenues for support and protection when need be. The emphasis should be on informal pathways as identified in this study, given the significantly higher proportion of parents and children resorting to them in Lebanon.

This study has shown that it is usually the family who is the first decision-maker when it comes to resolving issues and disputes involving children, and that they often do so without enough information, awareness and, even, options. It has shown that sometimes family members simply accept decisions without being satisfied with the outcomes for their children. Promoting practices such as family group conferencing as recommended above, could also be utilized for this purpose. Whatever the form or structure, the core of the work should consist of listening to the concerns of parents and children, providing actionable advice at local level, while guaranteeing confidentiality.

Finally, given the central role of the father in the process of deciding what pathways to follow (at least publicly), and give that both formal and informal processes are overwhelmingly male-dominated, a well-grounded masculinities curriculum that focused on the very specific stages of the various child protection and child justice pathways would be highly recommended. The material would also draw upon experiences of women, their views, and the barriers they face. It is worth noting that such a curriculum would also greatly highly benefit religious figures who hold a formal-informal "double hat," which would in turn impact positively on other boys, adolescents, and young men who are often guided by them at the community/local level.

SNAPSHOT

✔ Given the central role of the family as the first decision-maker when it comes to resolving issues and disputes involving children, sometimes without enough information, awareness and, even, options, existing services that offer parental support should focus on expanding their services to include child protection and legal-related concerns, particularly within informal pathways, as well as avenues for support and protection as appropriate.

✔ Within the family, fathers are a primary decision-maker when it comes to resolving issues and disputes involving children. It is recommended that a masculinities curriculum is developed (targeted at adults, adolescents, and children) that focuses on the very specific stages of the identified child justice pathways.

Review of the referral pathways and SOPs to include informal pathways

As shown in the analysis in the previous sections, various informal pathways involve a degree of interaction with formal actors and processes. The gravity or severity of harm is referenced by both formal and informal actors as a trigger to resort to one of the hybrid pathways identified. In such cases, appropriate mechanisms must be in place and functioning well in order to avoid some of the most complex risks that informality brings, as explored above. The Juvenile Protection SOPs offer powerful guidance for action pertaining to risk assessment and accordingly to channel processes of identification and referral.

Considering activating a participatory and diverse process of revision of the SOPs and their referral mechanisms to include informal actors and the practices they use could be a powerful way of bridging the two systems, as well as offer a possibility for strengthening the child rights-based approach, accountability, and recognition of the role of informal actors in order to foster the synergy approach with formal actors.

✔ Advocate for an inclusive process of revision of the Juvenile Protection SOPs to include informal actors within the non-judicial pathways as a means of strengthening the child rights-based approach.

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Annexes

Annex 1. Study questions and sub-questions

1. What are the informal pathways and processes used by communities to address cases involving child justice and protection?

- What are the existing informal pathways through which children at risk, in contact or conflict with the law are dealt with? What are the different processes/entry-points/avenues for support?
- What are the different stages in these identified informal pathways?
- What are the factors (systemic and behavioral) that determine which informal pathway is chosen? Are children treated
- What are the barriers and enablers (structural or behavioral) that hinder or promote the rights of children whose cases are dealt with through informal pathways at each stage of the process?
- Does the informal system apply a child rights-based approach (rights within a justice process: professional legal assistance, right to be informed, right to be heard and express views, right to protection of private and family life, right to speedy process, etc.)?
- Are child protection principles of (i) accessibility, (ii) accountability, (iii) survival and development of the child, (iv) confidentiality taken into consideration?

2. Who are the main actors involved in the informal pathways and processes and what role do they play?

- Who are the actors within the informal system and what role do they play?
- Are there any common elements/criteria defining the profile of an informal child justice or protection actor?
- Are there any hierarchical structures that exist within the informal pathways dealing with cases involving children?
- What is the role of female actors or stakeholders within informal pathways?
- How do these actors interact among one other or with actors within the formal system?
- Which actors enable or are a barrier to fulfilling the rights of children whose cases are dealt with through informal pathways? How?

3. What are the decision-making processes in each of the informal pathways/processes?

- Is the best interest of the child considered in decision-making processes? How is the best interest of the child determined? What informs the definition (policies/norms/values)? To what extent is that definition in line with a rights-based approach to child justice or protection?
- How do the different informal pathways and actors (including children) define a child? What are the factors that determine childhood and how do these impact on decision-making?
- Are decisions made within the informal pathways similar/consistent or different from decisions made within the formal system?
- To what extent are decisions made through informal pathways recognized by the formal system? Who are the key actors that facilitate this recognition? Are there any formal steps that result in the formal system recognizing the decision made through informal pathways (registration, monitoring of correct execution of the decisions, etc.?)
- What are the factors or practices (structural or behavioral) that enable or hinder decision-making which fulfil the rights of children whose cases are dealt with through informal pathways?
- How do children's specific needs (health, mental health including e.g. substance abuse, developmental, educational, familiar and/or social) affect decision-making processes in informal pathways?

4. What is the relationship between informal and formal child justice and protection pathways, processes, and actors?

- Are there any areas of interaction or overlap between informal and formal pathways? Are there any common trends, characteristics between informal or formal pathways? Are there any major differences or contradictions?

- Are there pathways that are both informal/formal or that fall in an area of overlap, both from the perspective of actors involved and way the pathway operates?
- Is there any evidence of coordination between different informal or formal pathways and actors? What actions could be taken to improve coordination with a view to putting the welfare of children at the heart of the different processes?
- What are the factors (systemic and behavioral) that determine whether cases are dealt with through formal or informal pathways? Do a child's characteristics (e.g. age, maturity, gender, nationality, refugee status, or other factors) affect which pathway is taken? Who reviews the cases and on what basis are decisions made?
- What type of follow-up/support exists for children who exit one pathway and enter another?
  What do stakeholders feel are priority areas for change in the different pathways where there is an overlap between informal and formal?
- How can informal and formal pathways evolve to better integrate restorative justice practices? If ideas for reform are identified, are those actors willing to participate in the process of reform? How and would the timeline be?

5. What are the views and perceptions of children and genuine caregivers of the different pathways and actors identified in the questions above?

- What are the views of children and genuine caregivers about the different roles of men and women dealing with child cases in the communities they live in?
- What are the informal pathways that children or genuine caregivers prefer? Why?
- Are there differences in how girls and boys are consulted and treated during the process (including children in conflict/contact with the law or those in need of protection)?
- What understanding do children and genuine caregivers have about the following concepts: justice, innocence, guilt and responsibility, reparation, reintegration? Do they feel actors within the informal pathways have similar/different understandings?
- What are the understandings of children and genuine caregivers about the different roles, responsibilities, and rights they have within informal pathways?
- What awareness do children and genuine caregivers have in relation to the dynamics and interactions between actors and different pathways (both formal and informal)?
- Do children and genuine caregivers feel that the outcomes are fair/just? Is there any significant difference when the outcome is taken or followed up through formal pathways?
- What ideas do children and genuine caregivers have for reform of the informal system to improve outcomes for them?

Annex 2. Most frequent codes in MaXQDA

Code	Cod. Seg. (all documents)	% Cod. Seg. (all documents)	Documents
NGO	108	5.48	42
Overlaps formal/informal	92	4.67	28
Informal pathways: process	79	4.01	32
Judge	73	3.70	35
Mapping actors	72	3.65	35
Informal: parents	67	3.40	36
Best interest of child	63	3.20	32
Formal: last resort	61	3.09	34
Choice informal vs. formal	60	3.04	29
Father	54	2.74	36
Informal: NGO	52	2.64	29
Syrian	50	2.54	32
Barrier: cultural	40	2.03	26
Reform	40	2.03	27
Formal pathways	39	1.98	17
Discrimination	38	1.93	23
Defining child(hood)	38	1.93	35
Barrier: Family	37	1.88	26
Trust	36	1.83	23
Female actors	31	1.57	27
Avoid police	31	1.57	18
Palestinian	30	1.52	21
Case	30	1.52	19
Religious actors	27	1.37	14
UPEL	26	1.32	13
Informal: school	26	1.32	15
Unfairness	25	1.27	15
Mukhtar	24	1.22	19

SOP	24	1.22	14
Barrier: financial	24	1.22	20
Mediator	23	1.17	11
Reputation	22	1.12	15
Shawish	22	1.12	17
Sexual harassment/abuse	22	1.12	17
Method	20	1.01	19
HIMAYA	19	0.96	12
Psychosocial support	19	0.96	12
Follow-up support	19	0.96	16
Raising awareness	19	0.96	17
Sexism	18	0.91	15
Legitimacy	17	0.86	12
Informal: PSF	17	0.86	8
Individualized process	17	0.86	12
Punishment	16	0.81	13
Custody	16	0.81	7
Barrier: environment(social)	16	0.81	12
Trust	16	0.81	12
MoSA	15	0.76	9
Physical abuse	15	0.76	13
Prison	15	0.76	12
Police/ISF	14	0.71	10
Confidentiality	14	0.71	13
Corruption	13	0.66	9
Informal: Mukhtar	13	0.66	10
Informal: Mayor	12	0.61	5
Drugs	10	0.51	10
Child labor	10	0.51	10

Every child in the world
has the right to a childhood.
It's that simple.