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Between the State and Community: Child Protection in Lebanon

El-Hoss, Thomas

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Between the State and Community : Child Protection in Lebanon

Thomas El-Hoss

A thesis submitted for the degree of Doctor of Philosophy

University of Bath

Department of Social and Policy Sciences

December 2019

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Abstract

Lebanon hosts a child protection system which has thus far been poorly examined in the literature. This thesis traces the development of the country's protection model over the last twenty years. It contends that the most prominent feature of Lebanon's child protection landscape is its pluralism, where responsibilities for the ultimate safety and wellbeing of children are diffused among a variety of stakeholders including the state, religious courts, international NGOs, local NGOs and faith-based organisations. This arrangement is reflective of the nation's wider public policy approach where civil society plays a significant role in sustaining social welfare. It is also reflective of Lebanon's consociational political structure, which grants autonomy to religious courts to govern family affairs.

Previous research has criticised Lebanon's plural protection environment for its lack of coordination and standardisation in responding to child maltreatment. This thesis sought to engage with these core concerns by conducting fieldwork which included 54 semi-structured interviews with state institutions, civil society organisations, social work professionals and religious court personnel. Through a thematic analysis of the data, it was established that since 2014 the state has sought to radically address the fragmentation of the field by introducing national practice standards and orchestrating closer coordination between civil society and the statutory system. However, there remain unresolved challenges harmonising the activities, interests and values of the state and religious authorities when it comes to the protection of the child. This has had negative implications for children at risk. The findings from this thesis hold significance to key debates regarding the ongoing evolution of Lebanon's protection system and the suitability of existing theories of child protection outside the context of high-income, western countries.

Abbreviations

AUB	American University of Beirut
CPWG	Child Protection Working Group
GACC	Guidelines for the Alternative Care of Children
ILO	International Labour Organisation
INGO	International Non-Governmental Organisation
MENA	Middle East and North Africa
MOJ	Ministry of Justice
MOL	Ministry of Labour
MOSA	Ministry of Social Affairs
NGO	Non-Governmental Organisation
RWO	Religious Welfare Organisation
SOP	Standard Operating Procedures
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UPEL	Union pour la Protection de l'Enfance an Liban
USJ	University of Saint Joseph
WHO	World Health Organisation

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Introduction

The child protection system in Lebanon has received scant academic attention despite its fascinating dynamics, the powerful lessons it has to offer and its ability to stimulate important discussions regarding the literature base. This thesis explores the development of Lebanon's protection model over the last twenty years, focusing particularly on the introduction of the country's first dedicated protection legislation in 2002 and the ensuing challenges operationalising the law. It will examine how the social, political and economic backdrop of the nation has helped mould the system and the responsibilities of the key stakeholders involved. We will also learn how child protection as a state practice strikes at some of the core disputes regarding the limits of government power and religious autonomy which have been at the epicentre of the country's political turbulences. Finally, we will explore how Lebanon's child protection system has required sensitive negotiation between the competing roles of state, community and family in the rearing of children and their safeguarding from harm.

It cannot be understated how timely the present study is. As this thesis will demonstrate, there is a dearth of academic writing on social welfare in the Middle-East and North Africa (MENA) and when it comes to the specific topic of child protection, the lack of research is even more striking. Despite the increased attention given to children's protective rights in recent decades; regionally the monitoring and documentation of child maltreatment has remained poor. We have only limited knowledge of the precise challenges posed to protecting children in the area, the conditions of familial vulnerability and the nuances in protection systems from country to country. We also have little theoretical and conceptual research which has considered child protection in relation to the cultural diversity of MENA countries and assessed how the issue is framed, the definitions of child welfare and maltreatment in existence and the values and interests that undergird protection responses. Turning to Lebanon specifically, not only is there a paucity of academic work and research from independent welfare agencies, but there is also a distinct lack of available statistics and reporting from the Lebanese government it-self. Presently there are only a handful of studies which have attempted to outline the features of Lebanon's burgeoning system and assessed its impact (CPEWG 2013, ISS 2006, Save the Children 2011 and UNICEF 2011). The result is that currently there is only a basic, descriptive account of the protection panorama in Lebanon and the profile of key stakeholders involved. This thesis therefore makes a pertinent contribution to furthering our knowledge of the country's evolving protection model and advances broader discussions regarding the literature base and its suitability to the MENA context.

The structure of the thesis is as follows. Chapter 1 will begin by examining the formation of the Lebanese state and outlining the nation's welfare regime. This will include surveying relevant theories and debates that help conceptualise the 'state' and exploring the nation's political foundations. Although these discussions may at first appear superfluous, this thesis will demonstrate that without detailed comprehension of the political, economic and social make-up of Lebanon, it is difficult to appreciate the dimensions of its protection arrangements. The resulting discussions will highlight that the Lebanese state and its democracy are formed according to a political power-sharing agreement between the nation's 18 officially recognised religious sects. Under this agreement, Lebanon's religious communities and their respective courts govern personal status matters including marriage, divorce and child custody according to their own laws and traditions. This chapter will also show how successive governments under this power-sharing arrangement have opted for laissez-faire economic policies that have limited state-delivered social protection. For this reason, the Lebanese public have traditionally turned to a host of non-state providers including international NGO's, local NGO's, religious welfare organisations and foundations affiliated to sectarian/ethnic political movements to access welfare services. Together, these political and social conditions foreground the unique configuration of Lebanon's protection system.

Chapter 2 begins the discussion of the topic at hand by reviewing the principal scholarship on child protection. This will involve fixing a conceptual definition of 'maltreatment' and 'protection' and exploring the theoretical models for analysing and comparing protection responses. This chapter will argue that the leading perspectives on protection systems have been developed through comparative analysis of statutory systems throughout Europe and North-America (Gilbert 1997, Gilbert et al. 2011 and Parton 2014). Despite the utility of these models for highlighting common choices and concerns in the establishment of protection infrastructure; these models were developed by comparing national contexts that do not reflect the legislative, socio-economic and political realities of Lebanon and the MENA region more broadly. These models are also inattentive to the differing belief and value systems that surround perceptions of risk, child-rearing, parental-rights and family cohesion. This chapter will therefore go on to argue that applying any one of these theoretical models tout-court would mischaracterise the social context that underpins protection efforts in Lebanon. Instead, this chapter outlines a more open theoretical approach which aims to determine the development of Lebanon's system by concentrating on its evolution *within* Lebanon's specific socio-political milieu. This will involve investigating how 'protection' and 'maltreatment' have been framed, the choices the country has made responding to harm and mapping how the protection system navigates a social setting where civil society and religious institutions play significant roles supporting family welfare and wellbeing.

Chapter 3 then conducts an extensive review of the existing information on child protection in Lebanon; this will expose the glaring insufficiencies of the present literature and shortages of available data. Nevertheless, by intersecting various

resources this chapter will be able to argue that the defining feature of the country's protection framework is its pluralism, where the responsibility for safeguarding children is not concentrated within a central authority but diffused among the state, a corpus of non-governmental organisations and religious court systems. It will argue that this arrangement is reflective of the nation's wider welfare and public policy environment, where civil society plays a fundamental role in social protection and religious law governs family affairs. This chapter will trace how since the introduction of dedicated child protection legislation in 2002, the country has struggled reconciling a statutory system with the local-level power and autonomy of civil society and religious authorities. It will demonstrate how the lack of measures to align the work of these three spheres has led to a fragmented and uncoordinated protection response. It will also explore how establishing child protection as a secular, state-led practice has been a highly contentious issue fraught with obstacles. Chapter 3 will then underline the intention of this study to investigate these key challenges by better mapping how the statutory system, civil society and religious authorities operate, their interactions with one another and how the needs of children at risk are being met within and between these spaces. There is also the aim to engage critically with the barriers and opportunities to strengthen this framework's response to children at risk. These intentions are expressed in the study's research question and objectives;

To what extent can Lebanon reconcile child protection with the country's wider tradition of civil society organisation and religious authority?

Objectives –

- To explore the model of child protection that has developed over the last 20 years
- To examine how the statutory child protection system interacts with civil society to address children at risk
- To investigate to what extent the model has reconciled the ideological and practical implications of religious power-sharing in Lebanon
- To investigate the implications for children at risk

Having outlined the research question and objectives chapter 4 describes the methods employed to address them. This will draw attention to the interpretivist epistemological orientation of the study which sought to collect data that provides a deeper and richer understanding of the protection field from the perspective of those integrally involved. It will also describe the qualitative approach that included 18 months of fieldwork in Beirut and the completion of 54 semi-structured interviews with key figures and organisations from the conceptual domains of the state, civil society and religious authorities. As this chapter will go on to describe, these interviews focused on organisational and professional practice, the interactions that existed between stakeholders and their views on the introduction of Law 422 and the operationalisation of a statutory system. We will also discuss how the sample

was gathered, including the purposive logic and snowballing technique behind the identification of participants. And then explain the process of analysing the data which involved the use of Braun and Clarke's (2006) variant of thematic analysis and the development of 11 over-arching themes from the data-set. Finally, the ethical considerations of the study and some of the limitations of the methods will be considered.

Chapter 5 then presents the findings from the research. This chapter will demonstrate that fieldwork was conducted during a period of immense change to child protection in Lebanon. Since 2014 the state has sought to radically reshape the plural child protection landscape into a more systematised, unified and state-directed structure. This includes the formal incorporation of civil society into the protection system through the newly introduced 'dual-pathway' policy. The government has also in close collaboration with local civil society attempted to establish a clearer strategic vision for child protection based on domestic standards and values for best-practice. The findings also show that through recent legal challenges, the state judiciary has endeavoured to shift the boundaries between civil and religious jurisdictions to pull child maltreatment more firmly under the state's auspices. However, as will be explored, this study found that the protection system still faces significant implementation difficulties, some relating to the new policies for systematising practice and improving coordination. In addition to longer held problems with respect to infrastructural capacity and the shortage of maltreatment reporting by the public. Finally, this chapter will establish that despite considerable shifts in power and influence between the state and religious authorities; there remain fundamental tensions between these spheres when it comes to the protection of children, with negative implications for children at risk.

Chapter 6 discusses the significance of the study's results in relation to the research question and objectives and to broader debates regarding child protection in Lebanon, the MENA region and internationally. It will also make recommendations on how the framework for responding to children at risk can be strengthened. The main argument of this chapter will be that the development of a protection model that deftly reconciles the operations and responsibilities of the state, civil society and religious authorities still requires careful negotiation. Although recent government schemes (documented for the first time by this thesis) have aimed to build a closer nexus between the work of the statutory system and civil society; religious authorities it will be argued remain at a further distance with no formal coordination between the state judiciary and religious courts. This it will be argued continues to limit the ability of Lebanon to deliver consistent safeguarding and accountability for children's welfare and wellbeing. This chapter will therefore recommend the re-opening of dialogue with religious authorities to find areas where operations between spheres can be better aligned. This chapter will also discuss how the developing picture in Lebanon holds significance to debates regarding the suitability of the current literature base to international cultural diversity. Arguing that existing theoretical models are indeed unsuited to appreciating the fundamentally different

arrangements that can exist outside the high-income European and North American context (Gilbert 1997, Gilbert et al. 2011 and Parton 2014).

Finally, this thesis will conclude by contemplating the study's contribution to knowledge, its limitations and the future direction of research. This will highlight the significant improvement this thesis has made to our understanding of Lebanon's evolving protection model; documenting major changes to the structure of the field and the shifting circumstances of power between stakeholders. It will recommend that future research continues monitoring Lebanon's burgeoning system and the impact of recent policy changes on children at risk. It will also suggest further academic efforts to intersect the findings from this study with other research in the area to build a wider and more comprehensive overview of child protection systems in the region.

Having introduced the content of this thesis, we will now begin our discussions in earnest beginning with a look at the Lebanese state and welfare system.

Chapter 1. The Lebanese State and Welfare System

Introduction

The aim of this chapter is to outline the formation of the Lebanese state, its key features and the system of welfare provision in the country. This will provide a vital conceptual backdrop for later discussions regarding the configuration of Lebanon's protection system. In delivering this aim, the chapter will also review the strengths and weaknesses of the current literature. This will demonstrate that most of the theoretical perspectives on state formation, social policy and welfare are western-centric and based on empirical evidence from high-income countries, meaning they are often poorly applicable to other contexts. In particular, this chapter will argue that the current literature fails to account for the differing arrangements that exist between state, community and market in low to middle-income countries to ensure the daily-needs of families and children are met. Looking to the few studies which have analysed these dynamics in the MENA region, and in Lebanon more specifically, this chapter will conclude that our understanding of child protection must be sensitive to a social and political milieu where the state, civil society and religious authorities have competing and overlapping responsibilities for the welfare of citizens. Before discussions begin we will remind the reader again of the research question and objectives;

To what extent can Lebanon reconcile child protection with the country's wider tradition of civil society organisation and religious authority?

Objectives –

- To explore the model of child protection that has developed over the last 20 years
- To examine how the statutory child protection system interacts with civil society to address children at risk
- To investigate to what extent the model has reconciled the ideological and practical implications of religious power-sharing in Lebanon
- To investigate the implications for children at risk

The State

Definitions and Theories

As Bourdieu once claimed, “when it comes to the state, one never doubts enough” (1994 p:1). The ungraspable nature of the ‘state’, its ambiguities and intricacies, have nourished debate for centuries. The concept’s intangibility, the constant flux of images, practices, boundaries and components that fall under the rubric of ‘state’ have led some to class attempts at definition futile (Hay 1996). Nevertheless, this chapter intends to flesh-out a conceptual portrait of the state which can be utilised for examining the state’s role in child protection arrangements within Lebanon. Broadly this thesis adopts, as a simplified but effective definition, the description of the state offered by Mann (1986) in his highly-regarded account of the historic rise of nation-states, which reads as follows;

1. The state is a differentiated set of institutions and personnel
2. embodying centrality, in the sense political relations radiate to and from a centre, to cover a
3. territorially demarcated area over which it exercises
4. some degree of authoritative, binding rule making, backed up by some organized physical force.

(Mann 1993 p:55)

This description will be adopted as the core definition of the state, a way of fixing the object for discussion and a platform from which to expand upon and discuss underlying tensions and controversies. The discussion will open by exploring the difficulties in placing the ‘state’ as a conceptual object within social scientific study. It will then move on to explore how many theorists use the notion of social power to examine the nature of the state and observe how states consolidate their authoritative capacity (Mann 1986, Poggi 1990 and Jessop 2008). We will then explore the state’s given position within modernity, including the expectations placed on modern states and its correspondence with notions of progress and development. These initial deliberations will inform a fuller understanding of Lebanese state formation, authoritative capacity and how these have influenced the configuration of the country’s child protection system.

The ‘state’ is an insoluble category, its contours are not easily mapped and its functions not reduced to constant actions, apparatus or personnel. The complexities in reducing the state arise from multiple sources. Firstly, as Mann (1986) argues, the potential levels of analysis involved make it challenging for social scientists. Classifications and theoretical models must simultaneously attest to institutional features (what the state look like) and functional operations (what the state does) (Mann1986). Yet as Weber (1968) infamously argued “there is scarcely any task that some political association has not taken in hand, and there is no task that one could say has always been exclusive and peculiar to those associations which are

designated as political ones” (1968 p:1). Complexity also abounds from the intuitive and semantic implications of the term ‘state’. As Jessop (2008) highlights, language depicts it as a *subject* (e.g. the state does this or that) and as an *object* (e.g. certain parties may use the state to pursue their interests). But the state is never purely either, it straddles meanings (Jessop 2008). Although the state may semantically feature at the centre of discussion, its meaning is composite, it both emerges from and gives meaning to the interplay of other concepts; gathering to a focal entity we then term ‘the state’ (Jessop 2008).

One approach commonly used to distinguish the ‘state’ is to juxtapose it with the concept of ‘society’. The line of difference drawn between these two categories is intended to mark the autonomy of the state from the society that surrounds it, and in the process give it greater definition. However, here again there is staunch intellectual disagreement. Prevailing Marxist, functionalist and liberal conceptualisations of the state are seen to share reductionist views where the state “is nothing in itself; merely the embodiment of physical force in society” (Mann 1986 p:186). For instance, Marxists deem the state as a site of class struggle, subsumed by the elites of modern capitalist commerce and industry and merely representing “the organized power of one class for oppressing another” (Marx and Engels 1848 p:27). According to Functionalism, which observes societies like living organisms, the state functions as the ‘organ of social thought’, deliberating and then communicating the ‘collective conscience’ through decisions and actions that fulfil wider beliefs and sentiments, bringing continuity to social order (Durkheim 1893). For liberals such as John Rawls (2005) the state is the embodiment of ‘public reason’, the suitably shared and rationally deliberated conception of ‘public good’ reached between free and equal citizens.

For all these theorists the state is not a subject or entity autonomous from society, but a representation of force within society; an icon of wider social relations and exchanges. Yet for other writers such as Mann (1986), these reductionist descriptions overplay the symbiosis of society and state, diminishing the ‘massive independent force’ states can exercise over social life (Mann 1986). Jessop (2008) captures the paradox of these arguments succinctly when he points out that “on the one hand; the state is just one institutional ensemble among others: and on the other, it is peculiarly charged with overall responsibility for maintaining the cohesion of the social formation of which it is merely a part” (2008 p:7).

Instead of deploying rigid dichotomies to discern the nature of the state, most well-regarded analyses turn to the concept of social power to distinguish the state’s qualities (Mann 1986, Poggi 1990, Tilly 1992, Jessop 2008 and Pierson 2011). This conceptual approach offers an explanation of how states consolidate their authority. Although they emerge in different guises and under different emphases, theorists of the state subscribe to the existence of three available forms of social power in society; ideological, economic and coercive (Mann 1986 and 1990, Bobbio 1987, Poggi 1990 and Tilly 1992). Despite the bases of these powers differing significantly,

they all revolve around the same object; the control, direction, use and development of “society’s ultimate resource – the activities of the individuals making up its population” (Poggi 1990 p:8). These socio-spatial networks of interaction are not presented by theorists as clear detached spheres, instead societies are conceived as confederations of these powers; with overlapping, intersecting systems rather than ‘simple totalities’ (Mann 1986). According to Mann (1986) the utilisation of these sources of power are open to all and therefore individuals and organisations will contest the use of these sources to fulfil their goals. For the state, these sources of social power offer alternative organisational means “of social control over people, material and territories” (Gill 2003 p:24). Therefore states, in a myriad of configurations, will draw upon and enact control over ideological, economic and coercive sources of power to establish control over the conduct of others (Gill 2003). We will now briefly explore these sources of social power in detail.

Ideology is also an elusive concept. In the most basic terms, ideology is a system of ideas and ideals (Pierson 2011). It is argued that the uncertainties of human experience and social interaction would be unbearable if ideology did not emerge (from human consciousness) to provide structures for apprehending reality and laying moral constraints on social behaviour (Poggi 2001). The *power* of ideology rises from its ability to persuade and dominate the thoughts and actions of populations (Mann 1986). Those who wield authentic claims to ideological messages, can both mobilise and frame human conduct; making ideology uniquely powerful (Mann 1986).

Ideology is produced and disseminated through a throng of different individuals, networks and mediums. In this discussion we are concerned with the ‘state’. Although ideological movements may ‘transcend’ the state, when we discuss ideology in relation to the state, theorists are generally concerned with the systems of ideas and beliefs that validate the existence of a centralised authority and the division of rulers and ruled (Mann 1986). Within political science this is expressed as legitimation i.e. the justification for the state’s existence and for its personnel to act as rule-makers (Gill 2003). As David Hume remarked “nothing is as astonishing for those who consider human affairs with a philosophic eye than to see the ease with which the *many* will be governed by the *few*” (1768 p:3). The motivation for the masses’ compliance with these rules are of course multifaceted. However, at base, the authority of any ruling office depends upon what Weber (1968) has termed *Herrschaft* meaning “the probability that a command with a given specific content will be obeyed” (Weber 1968 p:53). The perceived validity of the state and its conduct, under normal circumstances, substantiates submission to its demands and legitimises its existence as a dominating power. As Pierson (2011) notes “without some level of legitimacy it is hard to see that any state could be sustained and consequently a great deal of work goes into defending the state’s claim to exercise not just effective power, but also legitimate authority” (2011 p:18).

The ideological claims to legitimacy states rest upon are diverse and the source of contentious debate. Weber (1968) points to three 'pure types' of legitimised authority which although have been elaborated upon, remain widely cited. Firstly, charismatic, where legitimacy rests on devotion to the exceptional sanctity or character of an individual leader and the normative pattern or order revealed or ordained by them (Weber 1968). This can account for the loyalty to populist or totalitarian regimes, but it can also be expressed in democratic terms through the ballot box; where charismatic leaders become leaders by "grace of those who follow them, since the latter are formally free to elect and depose them" (Weber 1968 p:215). The elected leader and the order they instate are then obeyed as they purportedly represent the people's will, 'vicariously expressed' (Pierson 2011). Under democratic principles the state therefore "claims to see in the people its own constituency, and thus the ultimate seat of all the powers that it exercises" (Poggi 1990 p:28). Although the realisation of authentic democracy highly contested in public and academic debate, archetypal conceptions see democratically channelled legitimacy as bestowing the 'body politic' "its unity, its common *ego*, its life and its will" (Rousseau 1762 p:72).

An extension of vicarious embodiment argued to have become an increasingly pivotal source of ideological legitimacy, is the concept of national belonging. As Jessop (2016) explains this implies a shared sense of affiliation between people and state; a collective sentiment of loyalty. The leading theorist of national identity Migdal (2008) has distinguished this as the existence of both 'virtual checkpoints' (physical borders that separate states) and 'mental maps' which "divide home from alien territory, the included from the excluded, the familiar from the other" (Migdal 2008 p:7). Of course, the degree to which these processes of inclusion and exclusion are an intrinsic or conceived phenomenon is contentious. Nevertheless, irrespective of its objectivity, 'imagined communities' have developed out of a shared identity and are routinely "manifested in common language, culture and history" (Gill 2003 p:6). Indeed, as will be discussed with regards to Lebanon, territories with contested or divided identifications to national belonging can experience frequent challenges and conflict over the foundations of national boundaries, leading to 'weaker states' (Held 1995). Therefore, the construction and consolidation of ideological claims to embody a national identity and the furtherment of its interests, is frequently deployed to legitimize state actions and thereby enhance its authority (Held 1995)

Secondly, Weber (1968) marks traditional types of authority, which rest on an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them; for example monarchies or religious rule. Organised rule under this authority is legitimated because people attribute personal loyalty by dint of a common upbringing. Obedience is therefore owed "not to enacted rules but to the person who occupies a position of authority by tradition or who has been chosen for it by the traditional master" (Weber 1968 p:227).

Thirdly Weber (1968) marks an important distinction between the previous modes of legitimacy and modern authoritative administrations, termed legal-rational authority. Here voluntary obedience of persons to the commands of the state in modern, industrialised societies rests on “a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands” (Weber 1968 p:215). Insofar as people obey the state’s authority, they extend this obedience not necessarily directly to the leaders in charge, but to the state as the embodiment of a consistent, rational apparatus of abstract laws and logic (Pierson 2011). This is intricately connected to the ideological underpinnings of the ‘institutional architecture of the state’, namely its bureaucratic apparatus (Jessop 2016). Professional administrative staff, in specialised roles, bound by abstract law and strict procedures, impersonally dispense official duties in an organisational form that grants, according to Weber, unparalleled technical superiority in terms of “precision, speed, unambiguity, continuity, discretion, unity reduction of friction and of material and personal costs” (1968 p:973). Interpreted as a manifestation of a wider ideological shift towards rationalisation, the growth of bureaucratic order is argued to have dramatically extended the state’s infrastructural potential, projecting central power more widely and effectively than ever before (Mann 1993 and Gill2003).

More contemporary theorists have argued that the extraordinary ideological power some states achieve mean they order social life as if their existence is so natural, inevitable, or self-evidently useful, ‘rational’ or benevolent that it appears “no power is being wielded at all” (Loveman 2005 p:1655). For example, Pierre Bourdieu argues the state has become incarnated both in objectivity in the form of organisational structures and mechanisms and “subjectivity in the form of mental structures and categories of perception and thought” (1994 p:4). These perceptions and structures of thought, so deeply engrained, allow us to forget that arrangements otherwise to the state were previously possible and hence give the state, along with its exercise of dominance, “all the appearance of the natural” (Bourdieu 1994 p:4). The ideological strength to ‘constitute the given’, once achieved, means the “question of the legitimacy of the state, and of the order it institutes, does not arise except in crisis situations” (Bourdieu 1994 p:15).

The accumulation of state legitimacy (the normalisation of its power) is argued by Loveman (2005) and Bourdieu (1994) to accrue gradually. In the initial stages of formation, the state “must engage in concrete struggles with an array of historical contenders to establish legitimate authority in new domains” (Loveman 2005 p:1658). To achieve this the state must ‘carve-out’ new spheres to govern, either by co-opting the administrative practices of others, or wrestling “existing administrative functions away from their traditional executors” (Loveman 2005 p:1658). Gradually as it succeeds in bringing under administration more and more social functions, the state’s involvement in these and further domains of social life come to appear “naturally, rightfully or inevitably the prerogative of the state” (Loveman 2005p:1661). Thus, what was once state intrusion, becomes normalised authority (Loveman 2005). Interestingly for the study at hand, the accumulation of

legitimate, normalised power by the state is seen to have confronted most directly the traditional powers of religious authorities (Loveman 2005). And as will be explored, the administrative reach of the state into the traditionally religious domain of family life through child protection laws, has in Lebanon faced significant controversy and debates regarding the legitimate limits of state interference.

In exploring the sources of social power, we have explored ideology and the way in which states consolidate the ideological power to govern. The next major source of social power is economic, deriving “from the satisfaction of subsistence needs through the social organisation of the extraction, transformation, distribution and consumption of the objects of nature” (Mann 1986 p:24). It is posited by Mann (1986) as well as Marx and Engels (1848) that the groups organised to complete these different tasks form economic classes. Those able to monopolize control over the production, distribution, exchange and consumption of goods are recognised as a dominant class, holding substantive control over “material things and over the conduct of other men” (Hayek 1979 p:80). Because economies involve exchange of the resources necessary for basic subsistence, welfare and prosperity, they are “the site of society’s most fundamental powers and individuals most deep-seated interests” (Pierson 2011 p:82).

The position of the state within the production, distribution and exchange of goods has been the greatest political dispute of the last two centuries. Liberals such as Hayek (1979) hold that the best economic outcomes (i.e. the most effective use of natural and productive resources) occur when the state’s role is simply to preserve free enterprise and exchange between individuals. This limits the coercive power of the state in the economic domain to the enforcement of law and order tantamount to individual freedom, and the enforcement of contracts between free individuals (Hayek 1979 and Pierson 2011). The ‘free market’ position has been criticised widely and on too numerous grounds to cover here. However most significantly the proponents of state regulation in economic affairs believe that the relationship between economic activity and the welfare of individuals is too important to be left to the ‘invisible hand’ of market forces, where self-interest can override the needs and welfare of working people (Pierson 2011). Total control, indeed ownership of the means of production and distribution of goods and services therefore lies at the other end of the debate. However, in most instances the degree of state involvement in economic affairs falls somewhere between liberal and regulated poles (Pierson 2011).

This brings us neatly on to the third proposed source of social power; coercion. This involves the mobilization of violence “the most concentrated, if bluntest, instrument of human power” (Mann 1986 p:26). As previously explored, Weber (1968) holds that we are incapable of defining the ‘state’ by the goals its energies are devoted to, as state’s have pursued innumerable ends. What is unique to the state is the *means* at its disposal - the legitimate use of physical force. In Weber’s words “a compulsory political organisation with continuous operations will

be called a 'state' in so far as its administrative staff successfully upholds the claim to the *monopoly* of the *legitimate* use of physical force in the enforcement of its order" (1968 P:54). Of course, force is not the routine means for retaining order and achieving ends, "but at the same time, the threat of force, and in the case of need its actual use, is the method which is specific to political organisations and is always the last resort when others have failed" (Weber 1968 p:54). The use of physical force, as previously explained, is available to all, but the state as a central authority, has successfully consolidated the exclusive prerogative to use physical force and coercion within a territorial boundary (typically in the form of armies and police forces) to bind its rule-making capacity. Coercive force for most prominent theorists is indispensable to the state, regardless of the differing ends to which these powers are deployed (Marx and Engels 1848, Weber 1968, Mann 1986, Poggi 1990, Tilly 1992 and Bourdieu 1994).

The justification for coercive political power is an intractable debate beyond the scope of this thesis. However classic conceptions attribute its ascension to the inherent value of regulating social relations and having organised means for protection and security from 'outside' intrusion (Mann 1986). This is described in Hobbes' (1651) classic interpretation as the demand for a 'social contract', that without a common power to keep human societies in awe, people revert to a natural law "of every man against every man... no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death" (Hobbes 1651 p:78). As such humanity is compelled to arrive at a social contract with their fellows, where the individual surrenders a degree of self-determination to a common sovereign power in exchange for the collective order they will police and the protection from outside forces they will ensure (Hobbes 1651). An exchange of protection for obedience thus occurs between state and populace (Hobbes 1651). Similarly, the boundaries drawn between territories themselves are formalised through the acknowledgement of mutual sovereignty between established states (Bray and Slaughter 2015).

To summarise, this section has defined the 'state' by exploring sources of social power, a widely adopted approach. It is commonly recognised that three broad sources of social power can be discerned; ideological, economic and coercive. The state, as a competing organisation within a wider social nexus aims to consolidate *its* power by drawing upon and enacting control over these sources; establishing *primacy* (Gill 2003). When current or aspiring polities wield effective social power, the 'state' presides as a set of institutions and personnel embodying centrality and covering a territorially demarcated area over which "it exercises some degree of authoritative, binding rule making, backed up by organized physical force" (Mann 1993 p:55).

Of course, as discussed, any definition of the state suffers from the deficiencies of generalisation and criticism regarding the true nature and purpose of centralised government. Not least, the definition adopted here can be criticised for holding the common conceptual assumption that states function primarily as 'power

containers' when they routinely operate as 'power connectors' in complex networks including other political and economic agents (Jessop 2016). As Bray and Slaughter (2015) highlight, in the modern context the forces of globalisation and its accelerated flows of capital, ideas and people are also a radical new feature of global interactions. One which has brought about complex and globalised concerns that surpass the capacity of the state; hence the increased prominence of supranational institutions such as the IMF and World Bank. As Jessop (2016) has argued, the impact of these complex forces do not neatly cohere as not all states are equally capable of exercising power either internally or internationally. In other words, the uneven dynamics of globalisation mean it will have a differing impact, either strengthening, pressuring or weakening states depending on their capacities and liabilities – an issue we will return to when discussing Lebanon (Jessop 2016). Nevertheless, the definition adopted, despite its deficits, is sufficient for the purpose of this thesis; initially outlining the state as a figure for discussion. Having conceptually charted the 'state', its central features and basis of power, we will move on to discuss the formation of the Lebanese state.

Formation of the Lebanese State

Thus far discussions have remained on a conceptual plain, rooted (for the time being) in the foremost European approaches to defining the 'state' and its sources of power. In this section we will go on to examine the formation and central features of the Lebanese state. This will provide *crucial* political and social context to Lebanon's child protection system and the state's role within it. Without a detailed understanding of the socio-political make-up of the country, it is difficult to effectively analyse the configuration of its child protection system.

Before beginning, two important qualifications need to be made. Firstly, this thesis is unable to provide a comprehensive historiographical account of the development of Lebanon's polity or the intricacies of its current political situation. Out of necessity certain simplifications and generalisations have been made. For the sake of parsimony, the main point of departure for our discussion will be the establishment of the Lebanese state during the French mandate era and post-independence. Although this omits thousands of years of history, it is from this juncture that the current territorial boundaries of Lebanon were established and the constitutional structure which underpins the modern state were founded. Secondly, as Ayubi (2009) the esteemed theorist of state formation in the Middle-East contends, the concept of the state, as well as the common debates, theories, models, typographies and terminologies that underpin it, have emerged mainly out of European experiences. This does not render them redundant, the theories discussed thus far usefully trace the state as a category for discussion. However, one must remain mindful that their explanatory power faces limitations when explaining state institutions, modes of statecraft, diffusions of power and relationships between governors and governed outside the historical context of the West. Hence this

section will introduce additional theoretical perspectives that have emerged from research within Lebanon and the Middle-East more broadly.

The Lebanese population

To understand the contemporary Lebanese state, one must trace the roots of the population that falls under its auspices and the historical trajectory towards the Republic's establishment. The ports of Lebanon, active for millennia, have provided the passage for intellectual, cultural, economic and human influxes which have enriched the civilisation over successive periods of both Western and Eastern influence (Piccard 2002). The territorial boundaries which demark present-day Lebanon continue to provide home and refuge to flows of different ethnicities, cultures and religious traditions. Pinpointing when these inhabitants first settled or adopted religious beliefs is a sensitive historic and even political debate (Hanf 2015). Among the 4 million people currently residing in Lebanon, there are now 18 officially recognised religious sects, with the four most prominent (in terms of numbers and respective influence) being the Maronite Christians, Sunni, Shia and Druze communities (Piccard 2002). Added to this are the nation's refugee population; including the 160,000 Armenians, the 450,000 Palestinians (who remain in a stateless limbo in numerous refugee camps) and now the 1 million officially registered Syrian refugees seeking shelter from the neighbouring Civil War (AUB 2016, Piccard 2002 and UNICEF 2015a).

Lebanon's cultural heritage stems from the shared and distinct traditions of this diverse population (Hanf 2015). Undoubtedly ethnicity and religious belonging have played a significant role in shaping identities and patterns of stratification across society (Aoun and Zahar 2017). As Zorub highlights, the various ethnic/religious groups in Lebanon formed bonds around common social, historical, territorial and security concerns long before "language framed communities as nations or states" (Zorub 2013 p:93). This has forged often contrasting images of connection to the land (Piccard 2002). These communal bonds are reinforced by the influential ethnic/religious institutions which structure the life of many communities and whose activities include running clinics, schools, relief works, community centres, newspapers and TV stations (Aoun and Zahar 2017). These civic networks are argued to have strengthened intra-communal bonds but simultaneously widened the socio-spatial separation of ethnic/religious groups (Aoun and Zahar 2017).

Although Lebanon's plurality is of importance to understanding its social structure and political culture there is also a tendency in scholarly discussions to overemphasise the significance of divisions. Lebanese people have also cohabited the geographic expanse for centuries, sharing common culture, traditions and interests and "have all historically spoken Arabic" (Salibi 1988 p:4). Patterns of separation between ethnic/religious communities are thus only one (albeit important) layer of stratification among many other that exist within social groups

and cut across the Lebanese population. Points that will be explored in greater detail through the course of discussions.

Colonialism and the foundations of the Lebanese state

Like much of the Middle-East, an important influence on the formation of the Lebanese state was the defeat of the Ottoman empire in World War One and the division of its territory among Britain, France and Russia (Arfi 2005). Upon victory, ignoring the lack of solidified national identities across the Middle-East, allied forces “set out to reorganise their newly acquired territories into states” (Salibi 1988 p:20). An initial agreement (the Sykes-Picot accord) hashed out between Britain and France assigned Mosul in Northern Mesopotamia and the province of ‘Greater Syria’ to the French (Salibi 1988). At this point, Lebanon was not a sovereign country, but land considered to be part of ‘Greater Syria’. However, groups within the Christian Maronite community quickly began to lobby for the sovereignty of a ‘Greater Lebanon’, to be separated from Syria and placed under their paramount control (Salibi 1988). The Maronites substantiated their demands on the view that the Lebanese territory had historically possessed a unique *Christian* heritage that separated it from the majority-Muslim Syria (Salibi 1988). However, the prospect of granting Maronite rule over a nation-state that also inhabited communities of Sunni, Shia and Druze, caused initial French trepidation (Arfi 2005). French authorities were keenly aware that the plural religious make-up that would comprise a self-governing ‘Lebanese’ state would pose significant challenges to establishing a governable consensus (Salibi 1988).

Nevertheless, on the 1st of September 1920 French authorities decided to support the Maronite’s ambitions for a Lebanese land (Salibi 1988). On the 23rd of May 1926, the Lebanese state adopted a constitution which transformed it into a Republic and formally confirmed its separation from Syria (Salibi 1988). Contained within the constitution was a *distinct* blueprint for Lebanese statecraft, which institutionalised the initial merging of sectarianism and politics that still stands today (Abouassi 2015). Lebanese drafters, under the observation of French authorities, prepared a constitutional decree that recognised the religious communities making-up the country as the basic element for democratic representation and the distribution of power (Piccard 2002). In its newly founded parliament the constitution established fixed sectarian quotas, arranging seats and administrative posts according to a 6:5 Christian to Muslim ratio (Nagle 2016). French authorities later carried out a census (the validity of which is highly contested) that placed the Christian population at 51.3%, helping justify the Christian’s larger quota of parliamentary seats (Piccard 2002). The system intended to protect the countries religious minorities, the fixed representation of religious communities in the parliament ensuring all communal groups had a voice (Piccard 2002). To facilitate these power-sharing arrangements, citizens and registered voters were assigned a religious identity (out of the 18 officially recognised) based on the confession of their

father, which is still printed on official identity cards today (Cammett 2015). According to Michael Chiha the chief architect of the constitution and its confessional power-sharing model, the nation's "reason for being lay precisely in its distinctive confessional balance and this was first revealed at the level of legislative power" (Chiha 1964, cited in Piccard 2002 p:71).

Beyond the political sphere the constitution also granted a degree of self-autonomy to the country's religious communities. Most importantly, it awarded self-determination over personal status matters such as marriage, divorce, child custody and inheritance to the country's religious courts. This placed a clear restriction on state interference in matters of family formation – a clause deemed *crucial* to bringing harmony between religion and state and protecting religious freedoms. Because only marriages sanctioned by religious authorities and governed by religious laws were permissible according to the constitution, until today, despite numerous campaigns, the institution of *civil* marriage does not exist in Lebanon (Aoun and Zahar 2017). It is thus impossible for couples to have a non-religious union and as such couples from two *different* religious backgrounds must either formally convert faith or as is often the case marry abroad. These constitutional arrangements are argued to have consolidated communal lines as "no Lebanese can be registered at birth, married, or buried if they do not belong to a sect" (Aoun and Zahar 2017 p:107).

As one can see, the newly established republic and its constitution were founded upon a communalised power-sharing model which slightly favoured the Christian population who were assigned a higher quota within the parliament. The French later claimed that these arrangements were the *only* possibility to bring the Lebanese communities together under one democratic state and still 'fairly' represent the Christian demographic majority (Arfi 2005). Yet tensions seethed in the newly formed republic and "in the 1930s flared into open dispute over Lebanon's existence" (Piccard 2002 p:63). What the French had instilled by separating Lebanon from Syria and implanting a sectarian state-formula, was a dispute over Lebanon's national identity which has served as a persistent source of disagreement since the country's formation (Arfi 2005). For the Maronite Christians they had a clear and consistent view of Lebanon's distinctiveness; it had a Phoenician heritage which outdated its connection with the Arab region, was culturally imbibed with years of Western influence and was a Christian heartland in a Muslim world. However, for many in the Sunni, Shia and Druze communities, the parting of Lebanon and Syria into separate Republics was a colonial imposition which paid little dignity to its Arabian cultural identity and unjustly favoured the Maronite community in political voice (Esman and Rabinovich 1988). By 1936 a "group calling themselves the 'Conference of the Coast' were already calling for the reintegration of Lebanon with Syria" (Arfi 2005 p:188). As previously explored the formation of a 'state', and its legitimate claims to act as binding rule-maker, are derived from appeals to represent a common 'national' interest (Jessop 2016). From Lebanon's conception, the sub-national identities of its populace and the conflicting 'visions of belonging' these have

encompassed, have inhibited a cohesive, unitary, ideological consent to the nation-state's identity (Nagle 2018).

To present a united front to French authorities previous to their withdrawal and Lebanon's independence, the elites of Lebanon's major communities negotiated a compromise that temporarily reconciled "their interests and competing visions" (Aoun and Zahar 2017 p:105). Dubbed the National Pact, it was a tacit agreement designed to supplement the formal constitution (Aoun and Zahar 2017). The agreement reaffirmed Lebanon's sovereignty by Christians agreeing to primarily identify with Lebanon and not the West and Muslims with Lebanon's independence as opposed to Syria or any other Arab states or movements (Arfi 2005). Although the same 6:5 quota of parliamentary seats was maintained, at the executive level the position of President was permanently reserved for the Christian Maronite community, while the less powerful position of Prime Minister was granted to the Sunni community and Speaker of the House to the Shiite community (Arfi 2005). The portioning of confessionally balanced quotas was also reproduced "across the security forces, banking sectors, judiciary, and public administration" (Nagle 2018 p:1375). This produced a tenuous and still unbalanced compromise between Lebanon's competing communal interest groups (Aoun and Zahar 2017).

Consociational power-sharing and the Civil War

The sharing of state power and administrative structures between the religious groups of Lebanon has been widely theorised as an example of 'consociational democracy' (Obler et al. 1977, Lijphart 1978, Aoun and Zahar 2017 and Nagle 2018). First developed by Arjen Lijphart (1978) as a descriptive theory, consociationalism has morphed into a prescriptive model for peace-building. Its main argument holds that societies with sharp cleavages in identities and loyalties require the elites of rival groups to circumvent competitive behaviours and instead engage in 'power-sharing coalitions' that help stabilise state structures (Arjen Lijphart 1978). Although the distribution of power may vary, Taylor (2009) points to the guaranteed inclusion of identity groups, cultural rights and proportionality in electoral processes as constituting 'consociational' arrangements. Lebanon's representation of its plural religious communities in state offices and institutions is thus frequently cited as an example of a pre-determined consociation (Nagle 2018). Pragmatic in nature, this body of literature attributes 'primacy and durability' to group divisions, which require institutionalised recognition and a balanced distribution of power (Taylor 2009). It rejects 'integrationist' approaches that encourage politically engineered de-escalation of ethno-religious divisions as unrealistic (Taylor 2009). Consociation itself however is controversial as although the representation of identity groups are guaranteed, it is inescapably discriminatory against "individuals or groups who reject the premise that society should be organised on an ethnic or communal basis" (Nagle 2018 p:1374). As we will explore, the success of consociational power-sharing in generating a stable and functional state apparatus in Lebanon is highly disputed.

One of the well-documented consequences of religious power-sharing in Lebanon is that it “prevented the emergence of any significant secular politics, as it enforced a norm that legitimate democratic representation is only about representing a sect” (Deets 2015 p:339). Following independence, parties narrowly appealing to the specific interests of religious sects, as opposed to shared national concerns, became the political stalwarts of the newly formed Republic (Deets 2015). However, despite politicisation of religious identity having taken root, the depiction of a society inimically separated down confessional lines would be a gross misrepresentation. As the historian Piccard (2002) observes, although religious divisions were in one sense subsumed and further entrenched by state apparatus and democratic processes; following independence, economically and socially Lebanon became a country of prosperity, free enterprise and pluralism. The new Republic ran along laissez-faire economic lines was beneficial to the “merchants and financiers of all sects” (Baumann 2019 p:62). Particularly in Beirut, confessions widely intermingled both socially and via flourishing networks of business and trade and the new Lebanese middle-class revelled in the increasing lavishness of their cosmopolitan capital – a time (mid-1950s to 1975) nostalgically referred to as the country’s ‘golden-era’ (Piccard 2002).

Yet still the Lebanese state continued to struggle for consent from the wider population it attempted to govern. The unbalanced 6:5 quota favouring Christians in the parliament and the reservation of the most powerful position of Presidency to Maronite Christians continued to stoke “grievances among Muslim groups as it gradually became clear that their demographic size was equal to if not larger than the Christian population” (Nagle 2016 p:1148). By now the sectarian-based consociational formula had experienced “recurring failures to forge cross-confessional confidence on both domestic and international policy orientation” (Aoun and Zahar 2017 p:113). The constant need to gain cross-confessional backing for alterations to domestic policies, budgets and foreign policy stances led to protracted patterns of political rivalry and government deadlocks (Aoun and Zahar 2017). Of particular sensitivity was the presence of Palestinian refugees and the arrival of their liberation forces on Lebanese soil in 1970; a political issue that exposed the faint threads of coexistence that were holding the country together (Hanf 2015). Moreover, the authority the state could derive from its monopoly over the legitimate use of force never fully formed; state-controlled army and police were continuously weakened by low ranks, ethnic/religious divisions and “most importantly, from the lack of political consensus on its role” (Atzili 2010 p:761). Thus, the intractable issue of an unresolved national identity and a political formula satisfying to *all* the Lebanese communities continued to challenge state legitimacy.

Additionally, the proportioning of power among communal elites was increasingly seen to have generated a corrupt nexus between business and political elites who reaped most the benefits of Lebanon's rapid economic boom (Aligica and Tarko 2014). A study conducted in 1960 revealed the extent of the inequality that underpinned Lebanese society as 4% of the super-rich claimed nearly 33% of

personal income, while 50% of the population scrambled for just 18% of the wealth (IRFED 1960). Often traversing sectarian cleavages, many Christian and Muslim communities alike suffered from precarious living standards (Piccard 2002). In general terms however, studies show that Muslim communities shouldered the greater burden of unemployment and low-incomes (Hanf 2015 and Hiro 1993). This deepened the already parting dividing lines and “fostered perceptions that state institutions merely contributed to exacerbating inequality and communal exclusion” (Aoun and Zahar 2017 p:114). Meanwhile, the Palestinian refugees in Lebanon continued to look on in anguish from squalled camps; their continued status as non-citizens disqualifying them from access to basic social, political and economic entitlements (Pappe 2004). Thus, a radical disenchantment with the nature and purpose of Lebanese nationality had fermented across different social and political fronts. The marginalised and impoverished communities of the young Republic directed their frustration at the state’s power-sharing formula. In their eye’s consociation had granted Christians disproportionate political and economic power, led to the collection of wealth in the hands of communal elites and left the majority of Lebanese overlooked and voiceless (Piccard 2002).

By 1975 these underlying social tensions and competing visions resulted in a Civil War which ravaged the country for 15 long years. The conflict escapes any clear-cut definitions and attempts at such are beyond the scope of this thesis. It traversed religious, social, economic, ideological and political fault lines; while simultaneously becoming the surrogate of external geopolitical battles. During this time, there were successive phases of Civil conflict, intra-state fighting and foreign occupation. The atrocities of the War drove a deep gulf. In a nation “where the social and political structures already favoured intra-communal over inter-communal cohesion, the War further destroyed the few bridges remaining between communities” (Aoun and Zahar 2017 p:106). For a time, the nation existed as distinct religious/ethnic/political enclaves controlled by a multiplicity of militias - the new apparatus for domination that superseded the collapsed state (Piccard 2002). At its worst, the Civil War made it difficult to recall that the fragmented and embattled populace had indeed once shared a homeland. Yet in 1989 a document of reconciliation eventually signed between the warring parties, dubbed the ‘Ta’if accord’, brought an end to the fighting and set a path towards re-establishing state authority. But not before the Civil strife had claimed the lives of 62,000 with tens of thousands missing (now presumed dead), left 83,000 injured and initiated a mass migration of over 700,000 Lebanese, many of whom have never returned (Hanf 2015).

Lebanon following the 1989 Ta’if Peace Accord

The path for state restoration agreed under the Ta’if peace accord did not however seek to dispense of religious power-sharing, but recalibrated “the country’s consociational political model” (Aoun and Zahar 2017 p:107). Through Ta’if, communal elites, political factions and militia leaders negotiated a readjustment to

the balance of power between the republic's different communities. Firstly, the Ta'if accord established 50:50 parity in the pre-determined parliamentary quotas assigned to Christian and Muslim communities (Ta'if Accord 1989). This parity was replicated in the quotas set for public sector positions, the civil service, cabinet portfolios and independent state bodies (Salloukh 2019). Secondly, it was agreed that the division of executive power would remain intact, with the Maronites still assigned the position of Presidency, the Sunnis Prime Minister and the Shia the Speaker of the House – but the powers of each were drastically rebalanced. The Ta'if accord also preserved the tradition of communal self-determination over personal status matters including the registration and regulation of marriages, divorce, child custody and death. By engineering greater parity in the distribution of state power between groups, the Ta'if accord intended to provide a more balanced platform for communal co-existence.

The new Lebanese Republic intended by the Ta'if accord aimed to ensure the nation-state was “united and belonged to all the Lebanese” (Ta'if Accord 1989 p:3). As previously discussed in classic conceptions of the state, legitimacy – the consent from the governed to *be* governed by an authority which reflects vicarious, aggregate embodiment of ‘public will’ – justifies and sustains a polity (Hobbes 1651 and Rousseau 1762). With the collapse of government and the fragmentation of Lebanese society during the Civil War, the state suffered a substantial loss of authoritative legitimacy and the literature is divided on whether the Ta'if accord has regained this popular consent and stabilised the state.

Proponents of consociational power-sharing formulas have hailed Ta'if as a remarkable achievement; a delicate balancing-act attuned to the reality that maintaining peace in Lebanon is a matter of regulating group power and protecting the rights of communities to ensure they don't feel threatened into bearing arms (Nagle 2016). Certainly, Ta'if effectively ended a bloody chapter of Lebanese history and has since halted the resumption of internal violence on such a deadly scale. However, from a ‘transformative perspective’ some authors claim that power-sharing models have simply *entrenched* sectarian/ethnic division in Lebanon under the wrongful assumption that identities are fixed and un-adaptive (Aoun and Zahar 2017 and Ofeish 1999). They see the war-induced accord and its dictum for sectarian balance as having a fundamental contradiction (Ofeish 1999). In one breath it seeks to inspire greater national belonging and cohesion under the state, yet in another it continues “to highlight sectarian communities as primary... political entities” (Ofeish 1999 p:100). When we consider the political climate that has taken root since the peace treaty and its impact on the functional capacity of the present-day state, perspectives on the entrenchment of destabilising divisions hold their weight.

Crucially, along with the Ta'if accord, a general amnesty signed in 1991 pardoned the war-crimes of the various militias and factions involved in the Civil War (Hanf 2015). This precipitated militias to consolidate wartime gains by transforming themselves into formal political parties that have since contested all the post-war

elections (Van Ommering 2015). Today, a glance at Lebanon's main political movements and occupiers of public office reads like a roll-call of Civil War protagonists (Van Ommering 2015). The communal elites and sectarian movements which now dominate the state apparatus have repeatedly and successfully defeated any "efforts to reshape Lebanon's political system" (Aoun and Zahar 2017 p:117). The country is now seemingly fixed in a catch-22. Substantial portions of the population see religious power-sharing as divisive, as exemplified by cross-confessional civil society movements such as #YouStink and Beirut Madinati which have called for "cross-cleavage alliances and a political sensibility that fosters civic interests" (Nagle 2018 p:1385). Yet those with the authority to significantly transform the political model are the very politicians who have exploited its sectarian nature to gain seats. With a direct interest in maintaining the status quo, any attempts to challenge, modify or abolish the sectarian state have been instantly blocked by political elites "for the alleged sake of safeguarding the national interest or national unity" (Ofeish 1999 p:100).

What has thus mushroomed in the years following the Ta'if accord is a party-political environment in which the chief currency for obtaining electoral votes remains the appeal to sectarian, as opposed to nationwide, needs and aspirations (Aoun and Zahar 2017). All budding politicians are aware that their ascent to parliament rests upon their image as the suitable Christian, Sunni or Shiite candidate; appealing to your 'own' a requirement to secure a stable constituency (Cammett 2011). During elections the main "axis for political competition thus occurs *within*, rather than across the sects" (Cammett 2011 p:73). The electorate left with little option but to seek fulfilment of their economic, social and political aspirations through a system that confines "political representation to the boundaries of sectarian representation" (Ofeish 1999 p:100). The individual Lebanese citizen cannot therefore melt into an 'undifferentiated mass', the public finds "their needs for security and advancement in a competitive environment served at least in part by communal association" (Esman and Rabinovich 1988 p:15).

Within this polarised climate, the state has become an arena of conflict between competing sectarian movements and shifting alliances (Esman and Rabinovich 1988). Some studies have argued that the system of state power-sharing is now better defined as 'pie-sharing', where the apportionment of the spoils of public office, privileges, and state resources are fiercely contested between sectarian political elites (Nagle 2018). Parties inclined to base agendas on narrow group-gains, have transformed the business of government into an endless game of negotiations and rivalries "which often ends in stalemate" (Piccard 2002 p:158). This exemplifies the well-documented shortcomings of group power-sharing; which is prone to periods of state 'immobilism' where conflicting groups frequently disagree over policy direction and the apportionment of power, leading to parliamentary impasses (Nagle 2018). Group polarisation over the Civil War in neighbouring Syria in recent years for example has had the power to paralyse the Lebanese parliament in selecting a President, led to the postponement of elections due in 2013 to 2018 and

caused widespread policy and administrative stagnation (Nagle 2018). It has thus been argued that although power sharing under the Ta'if accord may have been effective in getting groups to leave the battlefield, after a "short lull it has transformed the political bargaining room into a new battlefield" (Nagle and Clancy 2012 p:84).

As Hazbun (2016) notes, this jockeying for control over state resources and power among competing communal groups has involved the deployment "of diverse forms of material and social power" (2016 p:1057). One of the leading vehicles for gaining and maintaining state power has been the resort of communal elites to external geopolitical alliances and networks (Aoun and Zahar 2017). Presently most political parties in Lebanon are significantly endorsed either financially, militarily or diplomatically by foreign nations that share a common political interest or sectarian identity (Hazbun 2016). An example routinely cited is Iran's backing of the Shiite-party Hezbollah, which has resulted in the party amassing military capabilities outstripping the Lebanese national army and their cross-border involvement supporting the Assad regime in Syria (Delatolla 2016). The extent of foreign aegis in Lebanese politics means 'outside' backers (principally Iran and Saudi-Arabia) hold considerable leverage over state politics and decision making; calling into question national sovereignty (Kassir 2010).

A further outcome of post-War power-sharing is the widely held view that the political system has bound citizens to sectarian elites in a patron/client style relationship (Ofeish 1999, Jawad 2009b, Fakhoury 2014, Cammett 2015 and Nagle and Staeheli 2015). As explored, national elections chiefly resolve the clout of sectarian political parties within their *own* community (Safa 2010). These political movements have thus become the main channel through which state services, contracts and assistance flow (Cammett 2015). This has left an exploited opportunity for powerful political movements to engage in clientelist practices. Studies have shown that to 'tap-in' to the resources of public-life that sectarian parties control access to, citizens (willingly or otherwise) manoeuvre complex communal hierarchies and must display loyalty to the party's cause (Cammett 2015). This clientelist political behaviour is argued to radically limit the possibility, in a classic liberal sense, that citizens make autonomous electoral choices, free from domination (Haase 2018 and Safa 2010). Voter loyalty is instead often corralled by the distribution or potential withholding of state "favours and funds" (Safa 2010 p:6). The state has thus been deemed unresponsive to the aggregate demands and preferences of citizens and instead serves mainly as a mechanism of patronage for sectarian political elites to 'discipline and control' the populace (Baumann 2019 and Haase 2018).

In addition to leaving the Lebanese public vulnerable to clientelism, the post-war power-sharing state is also argued to have fostered a pernicious nexus between economic and political spheres (Baumann 2019). Successive post-War governments have opted for a *laissez-faire* approach in which "the role of the state is limited to formulating the legal, institutional, and infrastructural framework necessary for

growth” (Jawad 2009b p:209). The country has therefore relied upon various private firms and non-state actors to complete post-war reconstruction and supply basic public goods and services (Cammett 2015). The contracts and tenders for public works are chiefly administered by the state “which is, in turn, placed under the remit of the sectarian allotment system that undergirds power-sharing” (Nagle 2018 p:1380). The entanglement of state contracts in sectarian power-sharing has been argued to have resulted in ‘cronyism’, whereby “lucrative contracts for public works are awarded to private companies with close ties to sectarian elites” (Nagle 2018 p:1383). Lebanon’s economic elite are thus viewed as “closely networked to, or congruent with, the political elite” (Baumann 2019 p:66). Those in public office use state powers to benefit either individual commercial interests, favour the interests of close associates or portion government contracts in exchange for political loyalty (Nagle 2018). This is exemplified in the latest World Bank figures which rank Lebanon 178th out of 209 countries for corruption (World Bank 2019). As well as reproaches from the UN (2009) for the polity’s lack of accountability and transparency.

The interlacing of individual, sectarian and economic interests in state affairs is argued to contradict “fundamental distinctions between personal relations and civic relations” (Jawad 2009b p:230). The lack of predictable and impartial procedures in the disposal of state powers and rewards undermining legitimacy in the ‘legal-rational’ sense (Weber 1968). Instead, former militias are viewed to have ‘captured’ Lebanon’s confessional post-war state under the ‘veil of sectarianism’, exploiting state powers to maximise individual or group enrichment (Baumann 2019). This ‘rent-seeking’ behaviour by power-sharing elites is argued to have stifled ‘genuinely’ competitive markets and economic development; contributing to the ‘mixed’ performance of Lebanon’s post-War economy (Aligica and Tarko 2014 and Baumann 2019). Incapable of fostering a productive-export oriented economy, the state instead derives revenues from the banking sector and predominantly external inflows of capital such as diaspora remittances, tourism and Gulf investment in finance and real estate (Schwarz 2008 and Baumann 2019). Structurally, dependency on remittances and regional inflows of investment are argued to have made the economy “vulnerable to volatility in growth and sizeable macroeconomic imbalances” (World Bank 2019 p:1). For the public, Baumann (2019) has argued that economic relations are acutely pyramidal, those without connections to the apex of political/sectarian power struggle to advance, wealth is collected within a small hand of elites and “inequality is high and poverty or deprivation persistent” (Baumann 2019 p:67). Issues we will return to in greater detail when discussing childhood vulnerability.

Finally, the sectarian allotment of power round-which the present Lebanese state has formed, is argued to have also had adverse consequences for the infrastructural capacity of state institutions. As previously explored, a source of ideological legitimacy sustaining ‘modern’ states is their centralised embodiment of consistent, rational abstract laws and procedures, executed by impartial bureaucratic apparatus and personnel (Weber 1968). However, Solloukh has argued that in

Lebanon material and legal interactions with state institutions predominantly serves to “entrench elite political economic prerogatives and reproduce sectarian subjects” (2019 p:44). This is in large part due to the expansion of pre-determined sectarian quotas into the distribution of public sector positions (Abouassi 2013). Across state Bureaucracy – from entry-level positions in the civil service to directors and governors of state bodies – personnel are appointed, and positions are allotted on the basis of preserving sectarian balance (Salloukh 2019). As another share of the state ‘pie’, public bureaucracy holds strategic value to sectarian parties and movements as it facilitates strategies of self-enrichment, the privileging of party supporters (clients) and the general “political out-manoeuvring of rivals” (Salloukh 2019 p:45). The end result is “the emergence of a very sectarian post-war public sector riddled by corruption, cronyism and all types of distortions” (Salloukh 2019 p:46).

The sectarian (as opposed to merit-based) staffing of state bureaucracy, is also argued to routinely discriminate, block and/or eliminate the best and most “qualified people from government jobs” (Abouassi 2013 p:1033). Taken with the lack of investment to significantly update bureaucratic systems, it’s been regularly observed that the Lebanese state possesses ‘poor’ infrastructural capacity (Haase 2018 and World Bank 2015). This has significantly impeded state performance, particularly in the management of essential public works – with serious shortages in supply and quality of “electricity, water, sanitation, solid waste management, transportation and telecommunication” (World Bank 2015 p:24). Set against a faltering economy, the financing of an over-inflated and corrupt public sector has contributed to large fiscal deficits; with debt to GDP ratio at 150% in 2018, one of the worst in the world (World Bank 2018).

Unsurprisingly, research demonstrates that corruption and clientelism have ‘significantly’ harmed public trust (Atzili 2010, Safa 2010, World Bank 2015 and World Bank 2018). For example, in a World Bank (2015) study, among 144 countries, Lebanon ranked last in terms of public trust in politicians and state institutions. Despite various initiatives to combat unethical behaviour, including greater transparency in budgeting processes, ICT development and approval for an Ombudsman (Haase 2018). Consociational power-sharing makes fundamentally addressing ‘cliques of confessional power’ and the abuse of public office difficult (Safa 2010). Thus, the Lebanese perception of their administrative apparatus has been found to be so mistrustful that “significant portions of the population do not see the state (as such, not necessarily a particular regime or government) as legitimate, and thus do not identify with the state and are not necessarily loyal to the state” (Atzili 2010 p:758).

Lebanon a 'weak' state?

Set against the dominant image of the 'state' as holding exclusive claims to political authority, a legal-rational mode of bureaucracy and the ability to guard internal order and protect against external threats via a monopoly over the legitimate use of force – Lebanon's post-war state (re)formation has come under considerable scrutiny. In academic and developmental discourse, Lebanon is routinely ascribed as possessing a 'weak' or 'fragile' state (Piccard 2002, Atzili 2010, Safa 2010, Pearlman 2014, Cammett 2015, Hanf 2015, World Bank 2015, Aoun and Zahar 2017, Haase 2018 and Nagle 2018). This places Lebanon within the rubric of a growing academic and international development discourse which locates polities on a continuum from relatively 'strong' to 'failed' states (Migdal 2008 and Ware 2014). 'Weak' states are defined as;

lacking the essential capacity and/or will to fulfil four sets of critical government responsibilities; fostering an environment conducive to sustainable and equitable economic growth; establishing and maintaining legitimate, transparent and accountable political institutions; securing their populations from violent conflict and controlling their territory; and meeting the basic human needs of their population" (Ware 2014 p:11).

Against this typology, Lebanon has stood out as a striking example of 'fragility'. Consociation between religious identity-groups has transposed the national fault lines which had emerged during the civil war into the fabric of the state. Sub-national identities have remained politicised, making it difficult to establish a cohesive, cross-confessional policy agenda. Instead the Lebanese state has frequently ground into extended periods of 'immobilism', where divisional contestation and rivalries (often over public goods) paralyse the state apparatus (Ware 2014). Some academics contend that post-war consociationalism has therefore failed in its ambition to ameliorate tensions and has instead entrenched identity cleavages and precipitated the 'capture' of the state by sectarian elites, who use public offices as an engine of patronage and dominance (World Bank 2015 and Salloukh 2019). This has led some to argue that "the more durable the power-sharing arrangements the less the state in Lebanon acts as a state with a measure of bureaucratic autonomy, extractive capacities and national agenda" (Salloukh 2019 p:44).

On the other hand, Fregonese (2012) and Hazbun (2016) have critiqued the depictions of Lebanon as a 'weak state'. Fregonese (2012) holds that academic perspectives on statecraft in Lebanon are dominated by western intellectual mores, measuring state competence in zero-sum binaries between state/nonstate, legitimate/illegitimate, order/instability and domestic/ foreign which offer only a 'limited vision'. In Lebanon, the view that sovereignty is either managed by the state or entirely absent holds little explanatory power. Rather, it is argued that the distinction between the state and society should not be viewed as a clear boundary between "two distinct entities, but a line drawn internally within the network of institutional mechanisms through which a social and political order is maintained"

(Hazbun 2016 p:1056). As such, Lebanese sovereignty is instead viewed as a systematized assembly of powerful networks that connects political figures, state institutions and informal realms, blurring “imagined boundaries between the ‘state’ and the ‘outside’” (Hazbun 2016 p:1056). Although sectarian power-sharing voids the existence of autonomous public institutions that can be easily separated from competing societal forces, both Fregonese (2012) and Hazbun (2016) reject the idea that this renders the Lebanese state as compromised or ‘weak’. The ascription of the ‘weak state’ label is seen to wrongfully diminish the state to an absent role and thus overlooks how the assemblage of power formalised in state institutions does allow for, an albeit contingent, sovereignty to exist in an ever-negotiated body politic (Fregonese 2012). This is in line with the common criticism of the ‘weak state’ paradigm for using ‘simplistic categorisations’ to describe complex and dissimilar national contexts of political disruption, institutional weakness and economic difficulty (Grimm et al 2014). This thesis holds that the ‘weak’ state moniker does indeed over-simplify complex socio-political relations in Lebanon, however the struggle for institutional capacity and a stable political agenda are still very real concerns for the Lebanese state and as will be explored, child protection.

Thus far the conceptual and contextual discussions of state formation and the Lebanese polity may appear superfluous to the study of Lebanon’s child protection system. However, the course of this thesis will demonstrate that the manner of post-war state formation and the inherent challenges it has posed, are *pivotal* to understanding the development of the nation’s child protection system. As will be explored, child protection legislation has been developed in direct concordance with power-sharing arrangements and the associated autonomy religious groups have been ascribed over personal status matters, including child custody. As an emergent policy terrain in post-war Lebanon, child protection evolved under the milieu of public sector stagnation and laissez faire policy directions, which as will be discussed have informed the pattern of service-delivery. As a relatively new domain of practice for the state, the protection of children in Lebanon has become implicated in the ever-present national debates regarding the nature and purpose of ‘the state’, the rightful scope of state powers and the correct balance of authority between state, religion and citizen. Furthermore, the powerful communal networks that have played such a formative role in the historic trajectory of the Lebanese state will be shown to have also engendered the protection field and the (often messy) contours of ‘state’ and ‘non-state’ responsibilities for safeguarding children. Before we move on to discuss child protection directly, it is firstly necessary to briefly explore the welfare regime that has developed in Lebanon and within which the child protection system sits.

Welfare System

Definitions and Theories

To evaluate a nation's child protection arrangements, an understanding of the welfare system that supports children and families is essential. This section will therefore appraise the country's welfare system to help situate the child protection system within its wider social policy context. To achieve this, this section will begin by considering theoretical perspectives on welfare regimes and then trace the emergence of Lebanon's specific welfare system.

It is firstly necessary to define the term 'welfare system', which itself is contentious. The word welfare means broadly to be 'faring well' or to 'be well' and is generally associated with physical, mental or material satisfaction (Fitzpatrick 2011). To narrow the terminological scope further, we are here concerned with what can be outlined as 'social welfare'; defined by Fitzpatrick (2011) as the purposeful attempt by societies to reach a vision of individual wellbeing which can be translated into concerted laws, policies and institutions that improve the 'common welfare' of the populace (Fitzpatrick 2011). The translation of ideals regarding personal wellbeing into a *common* welfare is of course highly contentious. Staunch liberals such as Robert Nozick (1975) hold that wellbeing is a deeply individual aspiration and is thus best-realised through rights to liberty, voluntary actions and the pursuit of self-interest. On the other hand, more collectivist perspectives argue that in spite of our diversity, we can still determine a 'basic quality of life' to which it is both rational and just for society to aspire to guarantee, even if this includes limiting certain freedoms, compulsory taxation and redistribution of individual wealth and privileges by a common power i.e. the state (Fitzpatrick 2011). Rotberg (2004) has defined the latter as 'political goods' meaning the range of concerns and demands that citizens have come to reasonably expect their polities to guarantee. These range from basic political functions including security (policing of internal order and protection from external threats), to the guarantee of health care, education, physical infrastructure and communication infrastructure; a beneficent fiscal and institutional context for commerce; and methods of regulating the sharing of environmental commons (Rotberg 2004).

Although the two sides of the well-trodden liberalist vs. collectivist debate differ considerably in their conceptions of social justice both perspectives are still centred around humanity's quest to fulfil its 'needs'. Essential to the concept of 'welfare', human needs can be defined in negative terms as the avoidance of suffering caused by privation of biological, psychological and material necessities including shelter, food, warmth, health care, water, education, sleep, security and sanitation. Alternatively, theorists such as Amartya Sen (2015) have defined needs in more positive terms emphasising human entitlements, capabilities, freedoms and

rights as accounting for human welfare. Both attest to the fundamental requisites for sustaining and enhancing human life.

Academic disciplines such as social policy and public administration have arisen to grapple with the complexities involved in understanding and defining human welfare and evaluating how societies meet human needs. This thesis adopts the conceptual approach outlined by Fitzpatrick (2011), who has argued that the methods, institutions and resources that societies deploy to meet their constituents' needs can be understood to form distinct 'welfare systems' comprising "a set of socio-economic and cultural relations that both address social problems directly or promote wellbeing circumstantially" (2011 p:4). The term welfare system, as opposed to the more commonly used welfare state, is used deliberately to recognise that although the state is often prominent in defining and coordinating welfare, in many nations other sectors such as the market, family and civil society take greater prominence (Fitzpatrick 2011). Whomever the actors involved in supplying them, as AUB (2016) have usefully summarised, the protection of social welfare broadly includes the following components;

- *Social insurance*: Typically, contributory schemes that protect incomes when there is a sudden loss of earnings through sickness or unemployment etc
- *Social services*: Predominantly education and health services but can also include other essential goods such as housing, food provision and water all aimed at sustaining the needs of a population
- *Labour market regulations*: Rules that govern the labour market and protect the rights and conditions of workers in the economy

Various comparative studies have sought to compare and contrast the welfare systems that exist internationally, with the most highly-cited work being Esping-Andersen's (1990) *The Three Worlds of Welfare Capitalism*. Taking a sociological/political-economy approach this influential study examined the features of welfare arrangements in 18 democratic, high-income nations that were members of the Organisation for Economic Co-operation and Development (OECD) (Esping-Andersen's 1990). Esping-Andersen (1990) analysed national arrangements across three dimensions, the first being levels of 'decommodification' meaning the extent to which social services and income support were provided as a matter of right, relieving the population's reliance upon the market for a livelihood (Esping-Andersen 1990). Secondly, the 'public-private mix', assessing how the state, market and family interacted to support people's needs. And thirdly the social stratification (i.e. degree of class distinction and inequality) encouraged by the nation's social policies and institutional arrangements (Esping-Andersen 1990).

This led Esping-Andersen (1990) to discover that although qualitatively different arrangements existed for conceptualising and delivering social welfare among the 18 nations studied, similarities in patterns of resource mobilisation and ideological drive could be categorised into three broad 'regime-types'. The first were the liberal regimes (predominantly Anglo-American countries), where social support

from the state is means-tested and directed at encouraging people to rely on the market and employment to support their basic needs. Secondly the conservative regimes (Continental Europe), where the state provides higher levels of social support, but these are directed at preserving traditional social values such as married family life. And finally, the social democratic regimes (Nordic models) where the state provides high-levels of universal social support to all its citizens to reduce their market dependency (decommodification).

These three welfare-regime-types have become the cornerstone for academic discussion and have been applied to countless studies of social policy and welfare outcomes. As will be explored they are also frequently referenced in comparative studies on child protection systems. However, despite its dominance, Esping-Andersen's (1990) tripartite theory has also been heavily critiqued in the years since its publication. Most centrally, the development of three ideal-types of welfare system has been criticised for being "neither exhaustive (there are more than three worlds of welfare capitalism) nor exclusive (there are more anomalous cases than presumed) and therefore requires substantial modification or revision" (Arts and Gelissen 2010 p:3). For example, Ferrera (1996 and 2005) contested the categorisation of Mediterranean welfare systems as conservative, claiming the peaks of generosity accompanied by vast gaps in protection, the low degree of state penetration and efficiency and the patronage-based modes of resource distribution set them apart from Esping-Andersen's (1990) typologies.

Most centrally for this study particular criticism has been directed at Esping-Andersen's (1990) theory by those studying welfare systems outside the sphere of high-income countries. For example, Gough et al. (2004) have argued that non-OECD nations cannot comfortably conform to the key assumptions most welfare regime theories hold i.e. that an advanced capitalist economy is in existence, with a formal labour market the public can expect to secure a livelihood from, and a neutral state with a well-established democracy and public institutions. Esping-Andersen (1990) and other similar models typically place the state as *the* guarantor of social rights, leaving the intellectual pursuit of analysing welfare practices as the narrow task of critiquing inadequate or ineffective transfers of resources by governments (Gough et al. 2004). However, the privileging of the state and market in welfare analyses is believed to be ill-adapted to many national contexts, where employment is often informal, markets uncertain and the state can represent "part of the problem of insecurity rather than a moderator of it" (Gough et al. 2004 p:64).

For example, a burgeoning body of literature has demonstrated that an additional component often fills the gaps in welfare provision left by state and market in non-OECD settings; *non*-state providers (Hulme and Edwards 1997, Gough et al. 2004, McGann and Johnstone 2005, Jawad 2009b, Cammett and Issar 2010, Cammett 2011, Jawad 2012, Cammett and MacLean 2014, Cammett 2015, Deets 2015). This includes a spectrum of more formal organisations like domestic and international NGOs, ethnic/sectarian-based organisations and political movements,

as well as informal support, including large kin networks, local brokers and hometown associations (Cammet and MacLean 2014). It has therefore been argued that more research is required to map welfare systems beyond the OECD and develop more appropriate regime theories and typologies (Jawad 2009b).

Welfare systems in the MENA region

Turning our attention to Lebanon, nationally it has been included in comparative welfare research as a member of the MENA region. This has seen its welfare system compared with a widely varying group of nations in terms of their political, social and economic context (Karshenas et al.'s 2014). At one extreme are countries such as Yemen "with conditions of generalized poverty and underdeveloped social and economic infrastructures" (Karshenas et al. 2014 p:729). At the other extreme are the oil-rich countries of the Gulf Cooperation Council (GCC) with high "per-capita income levels, relatively low levels of economic diversification, and ample financial resources available for social service provision" (Karshenas et al. 2014 p:729). While the remaining MENA countries, including Lebanon (and the majority of the population in the region) reside within nationally lower-middle to upper-middle income brackets (Karshenas et al. 2014). Although their economies may vary, an important feature shared among all the MENA countries is demography, with "a relatively young population structure and fast-growing working-age population" (Karshenas et al. 2014 p:729).

The most influential study of social welfare systems within the MENA region has been Beblawi and Luciani's (1987) book 'The Rentier State'. Here Beblawi and Luciani (1987) argue that despite variation in income-levels, patterns of state resource accumulation and public expenditure within the MENA region could be characterised as 'rentier' in nature. The term 'rent' is used to refer to the exports earned, or income derived (rents) from 'gifts of nature', such as oil, gas and other extractable resources (Omeje 2008). These revenues are classified as being somehow *external* to the domestic economy "because they are not derived from the productive sectors of the domestic economy but thrive by courtesy of international capital" (Omeje 2008 p:5). The rentier concept was extended to also include the non-oil rich countries such as Lebanon who were also seen to rely heavily on foreign inflows of capital, including financial investment from oil-rich countries, remittances from expatriate workers and other exogenous incomes including foreign aid and tourism (Jawad and Yakut-Cakar 2010 and Karshenas et al. 2014).

The rentier thesis placed the impact of the sudden windfall from the regions oil revenues and other external incomes at the fore of its understanding of social welfare patterns (Beblawi and Luciani 1987). It was argued that following independence from colonial rule and the nationalisation of resource enterprises during the 1950s; the new states and their governments became the principal purveyors of domestic wealth (Beblawi and Luciani 1987). Social welfare regimes

emerged out of the desire of these new governments and leaders to reap legitimacy and “co-opt socio-political support through the spread of wealth” (Ulrichsen 2017 p:214). This resulted in immense social transformations as oil-revenues were used to provide free schooling, healthcare, subsidize basic consumer staples such as food and housing as well as provide public utilities (Karshenas et al. 2014). The most generous social benefits were granted to state employees, military personnel and public enterprise staff including generous “health insurance, retirement pay and maternity pay” (Jawad and Yakut-Cakar 2010 p:662). However, these welfare schemes typically took the form of commissioned ‘give-aways’ by the small groups of ruling elites situated at the apex of the state apparatus (Beblawi and Luciani 1987). Rentier perspectives have thus routinely been sceptical of regional welfare systems for failing to adequately invest in improving work-related skills, encouraging greater domestic productivity and entrepreneurship and for providing top-down, politically-motivated benefits and rewards, as opposed to the rights-based protection mechanisms appropriate for market-led growth (Karshenas et al. 2014).

Since Beblawi and Luciani’s (1987) pathbreaking study, the paradigm of the ‘rentier-state’ has come to dominate academic analyses of regional social welfare provision. Although it has had value in understanding broad aspects of the MENA’s political-economy following independence it has also come under a parade of scepticism. Firstly, the concept that rentier states utilise ‘unearned’ windfalls from exogeneous capital as opposed to developing ‘domestic’ entrepreneurial economies is argued to be highly value-laden counterposing the MENA region against “an idealised version of the industrialised West” (Rutledge 2017 p:136). The rentier concept is also thought to be outdated, as oil-producing nations faced with the global effort to mitigate fossil fuel consumption, falling oil prices and the need to absorb bulging numbers of young entrants into the labour market are now diversifying their income-base and increasingly investing in long-term ‘productivist’ economic and social projects (Jawad and Yakut-Cakar 2010 and Ulrichsen 2017). Furthermore, in line with other academics, this thesis holds that the rentier concept can only be tentatively applied to the oil-poor countries of the region including Lebanon (Omeje 2008 and Jawad and Yakut-Cakar 2010). To categorise Lebanon’s welfare system and patterns of resource accumulation and mobilisation under the moniker of ‘rentierism’ simply leads “to a narrow characterisation of the political and social dynamics of public action” (Jawad and Yakut-Cakar 2010 p:659). As will now be explored, in particular the rentier theory’s economic/materialist focus overlooks the substantial provision of social support by family networks, communities, local NGOs and religious welfare organisations in Lebanon (Jawad and Yakut-Cakar 2010).

In outlining Lebanon's welfare system this thesis will therefore move away from the rentier paradigm. It will instead focus more specifically on the historic development of Lebanon’s welfare model. It will draw on a growing body of contemporary literature which has more comprehensively studied the dynamics of welfare distribution and the complex strategies Lebanese families and communities deploy to meet their needs. This will provide *essential* contextual background for

understanding how Lebanon's child protection system is structured, the actors involved in its delivery and how it sits within the nation's wider social policy environment.

Lebanon's Welfare System

This section will trace the development of Lebanon's welfare system and its core features. In line with Cammett's (2014) well-regarded analysis, this section will discuss the evolution of Lebanon's welfare system during three key phases, post-independence, during the civil war and after the civil war. The reason for this chronological approach is that critical changes to social provision occurred during these periods and have had a lasting impact shaping the current welfare system.

Phase 1 - Post-Independence (1943-1975)

This period of modern Lebanese history was formative in calibrating Lebanon's social, political and economic make-up. Unlike much of the rest of the MENA region, where post-colonial nation-building and 'modernisation' was conducted by authoritarian-led states, Lebanon by design emphasised limited state-involvement and laissez faire economic principles (Cammett 2014). Consociational power-sharing had limited the possibilities of a state-driven approach, while the rich and influential communal leaders and families that surrounded the state apparatus had vested commercial interests in free-markets and low-taxes (Cammett 2014). Thus, the policy programmes of the initial post-independence administrations championed market-driven economic growth and its 'trickle-down' benefits to material living standards (Cammett 2015). State projects were limited to developing free public schooling and infrastructural works such as improving road systems (Cammett 2014). Most of these programmes concentrated within the capital, the government doing little to address the growing regional and sectarian imbalances in living conditions and income-levels (Cammett 2014). The majority of the population relied on the assistance and services provided by the substantial networks of charitable welfare institutions founded (long before independence) by Lebanon's different confessional communities to serve their co-religionists (Cammett 2014 and Jawad 2009b).

It is widely remarked that the only period during the outset of Lebanon's independences when state-led social support was substantially expanded was under the presidency of Fu'ad Shihab from 1958 to 1964 (Cammett 2014, Hanf 2015, Jawad 2009b and Traboulsi 2012). President Shihab proposed major social reform and a more egalitarian vision of Lebanese nationalism (Traboulsi 2012 p:139). Under his tenure the state actively engaged in regional development and the redistribution of resources; constructing road linkages, water supplies and electricity services to remote areas as well as expanding hospital and pharmacy numbers and access to free public education including the development of the free public Lebanese University (Traboulsi 2012). A further enduring legacy was the establishment of the

National Social Security Fund (NSSF) which still exists today (Cammett 2014). The NSSF was the country's first social security programme, modelled on the French system where the state financed 25% of the scheme while the remainder came from employer and employee contributions (Cammett 2014). The scheme was designed to provide all employees of formal-sector firms with not only medical, maternity, and disability insurance, but also "family allowances, end-of-service indemnities, and pension benefits" (Cammett 2014 p:43).

Despite these ambitious efforts, the major interests of the communal and economic elites coalesced against President Shihab's reform package, condemning its ideologically statist approach and proposed infringement on free enterprise (Traboulsi 2012). Shihab's social reforms were further frustrated by corruption within the government administration, inefficient implementation and difficulties attracting skilled teachers, doctors and other personnel to the public sector due to its low-wages (Cammett 2014). After President Shihab, inevitably social development under subsequent administrations "did not advance significantly and public spending slowed" (Cammett 2014 p:44). Hence during this first phase of independence, the nation's now well-entrenched welfare pattern took root, characterised by a 'small' state, minimal social protection, liberalised economy and "a heavy reliance on private, non-state actors for the delivery of services" (Cammett 2014 p:39). As previously explored these economic, social and fiscal policies did result in an economic boom, nostalgically referred to as the nation's golden-era, but hands-off governance also allowed unabated disparities in wealth and quality of living to develop, dynamics which contributed significantly to the outbreak of the Civil War (Cammett 2014 and Traboulsi 2012).

Phase 2 - The Civil War 1975-1989

The civil war brought drastic and long-lasting change to Lebanon's social welfare system. Although the 'shell' of a state remained through the conflict, its ability to make and implement policies and provide any public goods and services had effectively collapsed (Deets 2015). This included the partial or complete breakdown of the social security programmes that had been introduced by President Shihab, while basic infrastructure (water, electricity, roads etc) were either destroyed or decayed amidst the prolonged conflict (Cammett 2014 and Hanf 2015). The War also brought decreased tax revenues for the government due to rising emigration, a two third decline in GDP and devastating hyperinflation reaching 400% by 1987, all exasperating the state's decline (Cammett 2014 and Jawad 2009b).

One of the sectors worst affected by the states downfall was public health infrastructure, which suffered from the physical destruction of hospitals and the emigration of trained medical personnel (Cammett 2014 and Jawad 2009). National public health initiatives such as vaccinations and maternal health care became predominantly donor-driven and administered by large international NGOs, as with much of the primary health care during the fighting (Cammett 2014). At the close of

the War, the devastation of public hospitals forced the state to begin purchasing services from private health providers, whose numbers grew in correspondence with the decline of public facilities (Cammett 2014). For the large segments of the population who could not afford the payments for private clinics, domestic and international NGOs became vital primary and secondary health providers (Cammett 2014 and Deets 2015).

Public education also paid a heavy burden, with over two-thirds of public schools being destroyed by the fighting, while the remaining schools struggled for resources and were poorly supervised by the struggling state (Cammett 2014). This corresponded with a growth in enrolment at private schools, which were better equipped, staffed and managed (Loo 2017). By the end of the Civil War private enrolment exceeded public school attendance – a trend that has continued until today with public school infrastructure still struggling to offer comparative standards (Save the Children 2011). Recent figures in 2015 showing that 75% of primary school students are registered at fee-paying schools (Loo 2017).

The research therefore demonstrates that a distinct welfare pattern took shape during the conflict whereby a breakdown in state capacity forced the increased reliance of the population on *non*-state actors for welfare support and basic services (Cammett 2014). As previously explored, the fear and mistrust of civil in-fighting led the nation's sectarian and ethnic communities "to turn further 'inwards' to seek security and protection" (Deets 2015 p:339). In some areas this resulted in the flourishing of ad-hoc volunteer groups, as civilians developed services to assist their local neighbourhoods through the hardships of the fighting (Deets 2015). Over-time these coalesced into larger and more formalised organizations including many of the large Lebanese NGOs found today (Deets 2015). The substantial network of religious welfare organisations (RWOs) that existed prior to the conflict also expanded the services they offered to their flock (Deets 2015). By RWO this thesis means the charitable services delivered by churches and mosques, as well as organisations not directly arranged by religious institutions but established in the name of religious philanthropy and to serve the needs of targeted confessional communities (Jawad 2009b and Jawad and Yakut-Cakar 2010). RWOs historically have a well-established front-line role in social welfare, particularly in providing social care to vulnerable groups including support for poor families, vulnerable children including orphans, people with illnesses or disabilities and the elderly, among others (Jawad 2009b). However, during the civil war this extended to filling the vacuum left by the state, providing emergency assistance and relief as well as broader health care, education and rehabilitation services (Jawad 2009b).

A further non-state welfare provider which emerged during the conflict, were the militias themselves (Cammett 2014). As previously explored, the Civil War resulted in the territorial division of the country into militia-held cantons (Piccard 2002). Within these zones, armed groups levied taxes on inhabitants (Piccard 2002 and Traboulsi 2012). This financed the militias war efforts, including the provision of

welfare services to their fighters and remunerations to sustain their families' livelihoods (Piccard 2002 and Traboulsi 2012). However, due in part to the crumbling infrastructure and lack of material resources in the territories the militias controlled and in part to draw the support of the population they controlled – militias took the decision to launch their own welfare programmes (Cammett 2014). Research shows the main providers of social welfare projects during the War were the Christian Lebanese Forces, Druze Progressive Socialist Party and the Shi'a Amal and Hezbollah for whom social justice and 'resistance' against poverty were ideological banners (Jawad and Yakut-Cakar 2010). As the War progressed the social service programs of the various militias widened as public demand for and "vested interests in them increased" (Cammett 2014 p:49). Eventually the militia networks began to function as auxiliary states, using collected duties to run clinics, hospitals, primary and secondary schools, private universities and provide basic infrastructure such as water, electricity and sanitation (Cammett 214 and Piccard 2002).

Thus during the Civil War it was non-state organizations, including religious charities, domestic and international NGOs and militia organizations, that secured their role as the "critical providers and guarantors of social services and assistance" (Cammett 2014 p:49). However, despite the rise in non-state help, the war-time population still suffered a dramatic reduction in their living standards and by 1987 "more than 6000,000 people – nearly a fifth of the population – were living in poverty" (Piccard 2002 p:144).

Phase 3 - Post-War until the present (1989-now)

As we will explore, pre-War laissez fairism and the wartime surge in non-state provision of social welfare have had important legacies for the country's post-war welfare system (Cammett 2014). Drawing on the most comprehensive appraisals of social policy in Lebanon by Jawad (2009b) and Cammett (2014), it is possible to discern seven main 'welfare actors' in Lebanon's present welfare system;

- The government
- Market
- RWOs
- Political patrons
- Secular Lebanese NGOs
- International NGOs
- The family unit

As we will explore, the porous borders that exist between these actors mean these welfare providers are highly interrelated resulting a complex welfare mix. For greater clarity we will explore the role of each in turn;

The Government

Post-War governments inherited a country beleaguered by a huge loss of life, mass migration, civilian displacement, economic ruin, crumbling infrastructure and a population, a third of which had been dragged below the poverty line (Khalaf 2002 and Piccard 2002). The path toward rejuvenation preferred by the sectarian elite and former-militias that took power aimed to emulate the 'golden' pre-War years of laissez-faire prosperity, foreign investment and tourism (Cammett 2011). To put Beirut back at the centre stage of regional finance and travel, redevelopment projects from 1989 onwards concentrated on the capital where luxury real estate, shopping districts and recreational sites were erected (Makhoul et al. 2003). The government contracts for these lucrative projects intricately linked to the sectarian elites that surrounded the state apparatus following the peace accord (Nagle 2018). Taking into consideration the scale of destruction left by the Civil War, the renovation of downtown districts impressed. However, reconstruction became symbolic of a policy course that overlooked social development and welfare needs in favour of economic growth (Makhoul et al. 2003). Successive post-war administrations have stuck to a highly-liberalised social policy agenda, characterised by minimal government provided social protection and a heavy reliance on private companies to supply public goods and services (Cammett 2015). Poverty alleviation has remained less a primary objective than an indirect goal of reconstruction and liberalisation (Destremau 2000 and UNDP 2017).

Although by design the Lebanese state has returned to its traditions of small government and liberalised economy; the state still plays a welfare role. As Jawad's (2009b) study has highlighted, the most important state institutions include the Ministries of Social Affairs, Public Health, Education and Labour. Across these Ministries, there is a similarity in their strategic approach. The *delivery* of services, social care and development projects is chiefly carried out by private companies, insurance markets and local NGOs and RWOs, while Ministries themselves prefer to *finance* and *regulate* their activities (Cammett 2014, Deets 2015 and Jawad 2009b). Over the last thirty years private markets and insurance schemes have come to dominate every sector including the supply of energy, transport, communication, health and schooling (UNDP 2017). Any interventions by the state are 'residual' in nature; meaning assistance is selective, targeting the grievances of the poorest bracket of the population who have exhausted the options for supporting their needs via the market, family and community, as opposed to being a comprehensive system for the redistribution of wealth (Spicker 2005 and Carpi 2017).

The Ministry of Social Affairs (MOSA) has the main remit for promoting social welfare in the country. It provides welfare to targeted groups largely through contracts and commissions with international and local NGOs (Karam et al. 2015). Under MOSA's rheostat are some 220 Social Development Centres (SDCs), these are the regional 'arms' of the Ministry, they are distributed across the country often situated in the most deprived communities (Karam et al. 2015). The network of SDCs

allows MOSA to have a grassroots presence and they have the responsibility for “establishing a comprehensive development strategy (education, health, social, development) based on the identification of available resources/ needs within local communities” (Routier 2008 p:9). The SDCs then develop joint partnerships with international development agencies, local NGOs and administrations, coordinating their activities and providing training and funds for their programmes (Karam et al. 2015). Nurturing relationships with local non-state actors who can then be contracted or funded to provide welfare services forms the *cornerstone* of MOSA’s strategy (Karam et al. 2015). These contracts procure either specific services (e.g. needs assistance, social/medical centres, day centres, centres for people with disabilities etc), institutions (e.g. providing institutional facilities for old people or as will be explored orphanages) or development projects the majority of which involve construction (Karam et al. 2015). Data shows that in 2012 more than 500 NGOs were contracted through MOSA, while funding went to supporting around 360 development projects (Karam et al. 2015).

In recent years through projects such as the National Poverty Targeting Programme (NPTP), supported by the World Bank, the Ministry has attempted to ‘scale-up’ poverty alleviation and social protection efforts and improve the targeting and efficiencies of its projects (World Bank 2014). The NPTP provides social assistance and social service provision “to ‘extremely poor’ Lebanese households in the form of partial medical bill payments, school fee waivers, free books, and food assistance” (AUB 2016 p:18). Still however the Ministry has faced infrastructural and financial challenges fulfilling its social development ambitions. Most centrally, in line with a wider liberalised political agenda, the budget allocated to MOSA represents only a small share of the national budget (1.1%), the majority of which (60-70%) is spent paying for the services contracted to NGOs (Karam et al. 2015). The Syrian crisis and influx of over 1.5 million refugees (the highest per-capita ratio in the World) has also stretched these scarce resources to breaking point (AUB 2016). In 2013 it was believed there had been a 40% increase in utilisation of MOSA health and social programmes and “consequently funding for family support and care services, psychosocial support, and child care services suffered a decline despite persisting needs” (Karam et al. 2015). The SDCs themselves have also performed unevenly, delivering inconsistent standards in service delivery and the monitoring and evaluation of contracted projects (Karam et al. 2015 and AUB 2016). While MOSA’s overall strategic approach has been criticised for revolving around immediate social care and needs satisfaction “as opposed to more fundamental work relating to social development, social justice or social cohesion” (Jawad 2009b p:121)

The other major government source of social protection is the continuation of the NSSF social insurance scheme established by President Shihab in the 1960s. As previously explored, it is a contributory fund that accumulates the contributions of employers, employees and the government (AUB 2016). Presently the fund supports end of service indemnities “drawn on completion of at least twenty years of service, or in case of work-related disability, or by family members in the case of the death of

the employee” (AUB 2016 p:20). The NSSF also provides health and maternity insurance and a family and education allowance, for families faced with hardship due to medical emergencies or shocks (AUB 2016). Separate, far more generous, social security schemes protect army personnel and public sector employees; while private insurance is another source for wealthy families able to afford the payments (Jawad 2009b and AUB 2016). The main concern with the NSSF is that due to weak enforcement of the scheme some 40% of employees in the formal sector are not actually registered (AUB 2016). Also, because the system depends on employment - the self-employed, agricultural workers and those working in the informal sector (who represent a large share of the population and are typically the most vulnerable) are not covered (AUB 2016 and Karam et al. 2015). Although statistics are patchy, it is estimated that around 50% of the population is not covered by *any* social insurance scheme (Karam et al. 2015).

Studies show that disproportionately it is poorer households who struggle most in accessing government social protection, healthcare and education (USJ 2012, AUB 2016, and World Bank 2017). Lebanon aims to support universal health coverage through six public funds including the NSSF, however these in-work schemes offer the lowest coverage to poorer households (WHO 2010 and USJ 2012). The Ministry of Public Health takes the responsibility of covering the ‘uncovered’ citizens, some 53%, through publicly-ran hospitals and subsidisation of treatment at private-hospitals (USJ 2012). The government has consistently committed to high-levels of spending on health, however “health outcomes do not compare favourably to other countries with similar spending, which points to relative inefficiency of the system” (WHO 2010 p:25). And despite government efforts, out-of-pocket payments for treatments are still high and disproportionately effect the lowest-income households who spend a fifth of their income on health care (WHO 2010).

In terms of education, again the private-sector dominates (World Bank 2017). The government supporting universal access through public school provision and the subsidisation of fee-paying schools for children from low-income families (Deets 2015 and World Bank 2017). In 2017 it was estimated that in total 70% of enrolled students attended private schools, the majority of which (55%) paid fees themselves, while 15% received subsidies to pay their costs (World Bank 2017). Following the destruction of the Civil War, public-schooling has consistently struggled to offer comparative standards, despite rising government expenditure (World Bank 2017). Research shows higher-education is vital for employment in the Lebanese economy, but considering the high tuition fees involved in receiving quality primary, secondary and University education the lowest-income households are the least likely to pursue higher-education; limiting social mobility (World Bank 2017 and Malek 2019).

Despite government programmes aimed at improving social development and providing greater welfare security, the government’s *laissez faire* public policy strategy has been criticised for failing to directly resolve the polarising inequalities. Recent statistics show that “the top 2% income group accounts for a 17% share of

Lebanon's total income, while the bottom 59% accounts for a 22% share" (UNDP 2017 p:2). This ranks Lebanon 129 out of 141 countries in terms of the equal distribution of income (UNDP 2017). It remains that many communities exist on the periphery - encumbered by low-incomes, unemployment, poor infrastructure and a difficulty accessing basic health, education and social care (AUB 2016 and Laithy et al. 2008). A seminal study on poverty rates commissioned by the UNDP estimated that 28% of the Lebanese population live in poverty when the upper standard of \$4 a day is used (Laithy et al. 2008). Geographically, the concentration of investment in Beirut has led to stark regional disparities and uneven development (Laithy et al. 2008 and Baumann 2019). While repeated, wide-spread protest occur due to the decaying infrastructure surrounding roads, garbage collection, water supply and electricity ran by private companies. The result is a widely reported precariousness and uncertainty to living-standards for much of the Lebanese population, including the middle-class (Cammett 2015).

The Market

As explored, the long-tradition of *laissez faire* in Lebanon has attributed the market with the foremost responsibility for sustaining livelihoods and social welfare (Jawad 2009b). For-profit organisations provide the mainstay of health, education and social care infrastructure as well as the insurance and benefit schemes that underpin their access (World Bank 2017). In addition to these welfare services, basic public infrastructure is also largely privatised, the lucrative contracts for these public works often awarded to businesses "with close ties to sectarian elites" (Nagle 2018 p:1383). These companies have been widely criticised for failing to provide functional and affordable infrastructure and services (Nagle 2016, World Bank 2017 and Baumann 2019). For example, water supplies are irregular and the quality of water untrusted, most relying on bottled water or additional water trucks as their primary source (Baumann 2019). Due to under-production, electricity supplies are rationed through rolling power-cuts, areas outside of Beirut suffering the longest outages (Baumann 2019). Privately ran refuse collection was the centre of particular controversy in 2015, as a failure to agree on a new landfill site resulted in 20,000 tons of uncollected rubbish in the streets of Beirut (Nagle 2018). For Lebanese, the 'trash-crisis' was symbolic of a public environment dominated by the interests of self-serving elites, incapable of delivering basic goods and services (Nagle 2018). This galvanised a mass civil protest, dubbed the '#YouStink' movement, which used the trash-crisis to highlight the wider malaise of unreliable public services, inequality and elite-corruption (Nagle 2018).

Religious Welfare Organisation (RWO)

Confronted with minimal state-support and often unaffordable private services, the public thus routinely turn to *non*-state actors to seek welfare assistance

(Cammet and MacLean 2014). These include the non-state organisations which filled the state's void during the Civil War and have continued to play a significant role in the nation's post-War welfare system.

Chief among the non-state actors supporting social welfare today are the array of religious welfare organisations (RWOs) (Jawad 2009b and Jawad and Yakut-Cakar 2010). The enduring historic presence of RWOs in Lebanon is underscored by the cultural value attributed to charitable alms and the Muslim duty of *Zakat*, which has provided steady flows of resources to charitable projects (Jawad 2009 and Cammet and MacLean 2014). Characteristic of Lebanon's public environment where state and non-state boundaries blur; many RWOs are also contracted or funded by the government (Jawad 2009b). Like other non-state actors, RWO operations have been poorly studied, however the little research which does exist offers an interesting insight.

For example, Carpi (2017) claims that unlike the central state, longstanding community services such as RWOs "have cultivated the trust of citizens" (p:119). Other research shows that the incorporation of religious teaching within the welfare programmes varies and that while many claim to be universally accessible, there is a tendency for these charities to priorities serving co-religionists (Jawad 2009 and Cammet and MacLean 2014). The most comprehensive study of RWOs by Jawad (2009b) indicates that most charitable programmes offer 'social care' to traditionally dependent groups, including vulnerable children (of which orphans feature heavily), old people and widows; providing alternative housing, resource support and financial aid. Projects also target the immediate needs of low-income households by providing basic necessities and supporting educational attainment (Carpi 2017). Although RWOs remain a fixture of social assistance, they have been criticised for providing only immediate 'palliative' solutions to social grievances, as opposed to supporting sustainable, long-term development or significantly confronting resource inequalities (Carpi 2017 and Jawad 2009b).

Political Patrons

The third significant non-state provider are the abundance of organisations linked to sectarian and ethnic political parties and movements. As explored, it was during the Civil War that militias learned the political and ideological power of welfare, using it as a tool of patronage and communal identification (Carpi 2017). During the transition to formal political parties after the Ta'if accord, most militias evolved their social welfare programmes into large, resource-rich foundations with branches of social centres stretched across the country serving the communities they now targeted for electoral support (Cammett and Issar 2010 and Cammett 2014). To compete, the political parties "that either did not have militia wings during the war or did not emerge until the post-war period also launched their own welfare programs" (Cammett 2014 p:50). Thus there is now a mass of politically-affiliated

welfare foundations providing construction projects, agricultural development, loans for income generation, hospitals, schools, social services to vulnerable groups (including children) and social assistance programs (Cammett 2015). The most prominent parties involved in welfare delivery being the largely Sunni Future Movement, the Shia Hezbollah and Amal movement, the Druze Popular Socialist Party and the three main Christian parties – the Free Patriotic movement, the Kata'eb and the Lebanese Forces (Cammett 2015). Research by Cammett (2014) shows that particularly when it comes to health and education, which are costly and not readily accessible, these welfare foundations serve substantial portions of the population.

Despite studies indicating that political organisations constitute a major portion of welfare delivery; research into their operations, including the distribution of services and procurement of beneficiaries is sparse (Jawad 2009b and Cammett and MacLean 2014). The research which *does* exist suggests that welfare support is provided “as much to gain and reinforce political support or maintain group boundaries, as to fulfil a commitment to social justice” (Cammett 2011 p:70). Although studies found that these organisations serve individuals from outside their core political-base, ethnic/sectarian-belonging and a demonstrated political loyalty are still strongly associated with receiving assistance (Cammett 2011).

Thus for under-served communities, political organisations provide an essential safety net and range of accessible support. However, some argue that these institutions are grounded in an unequal power dynamic that baits political allegiance from vulnerable, low-income households (Cammett 2014). This becomes further problematic when one considers that welfare institutions allied to political movements often receive extensive state contracts and funding to deliver their services. In this way ethnic/sectarian parties distort governmental and non-governmental lines and distribute what are essentially *public* resources (paid for via tax revenues) according to discriminatory criteria on party loyalty and sectarian identity (Cammett 2014). This is seen to have profound consequences for the relationship between state and citizen, undercutting state credibility and public recognition of the state's role in social welfare (Cammett 2015 and Baumann 2019). The governments well-reported difficulties regulating the activities of non-state providers has also made it difficult to standardise and coordinate the network of services provided by political movements (Jawad 2009b and Baumann 2019). Taken together, social welfare for many Lebanese is thus less a social entitlement demanded from a centralised authority and more a privilege earned by navigating local networks of gatekeepers, earning the favour of political patrons and exercising one's sectarian identity (Abou-Habib 2011). The wartime surge in militia-led services has therefore had important consequences for the post-war welfare system, as these programmes have morphed into a parallel system organised along sectarian and ethnic lines (Cammett 2015).

Secular Lebanese NGOs

The next non-state provider to explore are the array of domestic secular NGOs. It is estimated that there are now 5000 secular NGOs registered in Lebanon, with around 700 active on a sustained basis (Abouassi 2015). The considerable number of NGOs illustrates that in contrast to the state's political difficulties, there is dynamic action among citizens to mobilise civil society responses to rising economic and social problems (Jawad 2009b). The fact that in Lebanon NGOs can be formed relatively easily and function without direct government control or supervision has aided their remarkable growth (Abouassi 2015). Their role within the welfare system varies between basic service delivery and development projects to lobbying and advocacy work (Abouassi 2015). Their vibrancy, dynamism and expertise has seen these organisations repeatedly lauded as a vital resource for national progress and over time they have been supported in becoming the *preferred* providers of welfare programmes and services. This is demonstrated by their funding source, which comes predominantly from government contracts and financing from international donors and development agencies (Abouassi 2015). However, the extensive delivery of basic public services by civil society has both been praised for filling essential gaps in welfare distribution and criticised for failing to address the structural causes of economic inequality and undermining the need for the political class to practice better governance (Cammet and MacLean 2014).

International NGOs

Another crucial component in Lebanon's welfare system are international NGOs. Within this thesis INGO describes organisations that have been established outside of Lebanon, are independent of the state (although they may collaborate with or support the state's role) and depend on foreign donations or financing from large multi-lateral development agencies. In Lebanon, INGO activity is associated with the delivery of basic services, livelihoods and infrastructure development, the sponsorship of local NGOs, social and economic research and advocacy work (Cammet and MacLean 2014). Since the signing of the Ta'if peace accord the number of INGOs working in Lebanon has exploded; their scope, resources and sum making them significant players in social welfare and policy debates at the national level (Hulme and Edwards 1997). In particular the significant presence and financial input of the UN agencies, World Bank, IMF and EU mean they "play an intrinsic role in directing the public policy agenda" (Jawad 2009b p:233). The Syrian refugee crisis has triggered a further flood of foreign donor money and activity, with \$11 billion promised at the 2018 'CEDRE' Conference to support Lebanon's economy (World Bank 2019).

Within the literature there is still ensuing debate as to whether INGOs are supporting the Lebanese state in its social and economic ambitions or whether their capacity to overtake basic social welfare functions undermines government

responsibilities and engenders a dependency on foreign donor investment (McGann and Johnstone 2005 and Deets 2015). It has also been argued that the powerful contribution to the national economy INGOs make means their preferences and demands often come to undermine the local choices of policy makers (Abouassi 2010). In spite of these concerns, presently INGOs are a *crucial* source of direct health, education and livelihood support for many of Lebanon's most vulnerable communities, as well as a significant source of funding for local NGOs; making their presence a crucial component in Lebanon's welfare system.

Family

The final significant welfare provider to explore is the family. Of course, family is a fundamental source of emotional and material support throughout the world. However, studies have shown that given the limited access to formal public welfare and insurance in Lebanon, family-ties play a crucial role in social security (Cammet and MacLean 2014). This dependence on kin is also emboldened by Lebanon's culture of close familial bonds, not only between immediate family but extended relatives. In fact, the family, not the individual, has often been cited as the Country's "basic social unit" (Khalaf 1971 p:236). Thus, despite being poorly studied, it is known that extended family provide essential assistance when emergencies and periods of financial instability occur (Jawad 2009b). One aspect of this family-based support which has been better researched is the part that remittances play in sustaining Lebanese household (Schwarz 2008 and Baumann 2019). With the onset of the Civil War a considerable portion of the Lebanese then and since have emigrated, forming a diaspora larger in sum than the 4 million still residing in the country (Abouassi 2015). The financial resources these overseas family members send back to relatives (in the region of \$6.9 billion annually) is believed to heavily subsidise the income of countless households, as well as the Lebanese Economy (Abouassi 2015 and Malek 2019). Furthermore, wealthy expatriates often contribute to the development of their hometowns; funding schools, hospitals, and other charitable welfare projects (Abouassi 2015). The family is thus another fundamental component to understanding Lebanon's welfare mix.

Key Characteristics and Debates Regarding Lebanon's Welfare System

Tracing the development of Lebanon's welfare system, we can see that it has evolved out of a qualitatively different set of political, economic and social circumstances to those addressed in the dominant welfare regime theories (Esping-Andersen 1990). Research has demonstrated that patterns of resource appropriation and distribution in Lebanon "remain embedded in patronage, community and kinship-based social institutions" (Jawad 2009b p:242). The residual positioning of the state means welfare delivery rests upon an assortment of for-profit businesses, international and domestic NGOs, ethnic and sectarian based political

foundations, RWOs and the family (Cammet and MacLean 2014). This welfare-mix having resulted from of a combination of factors, including historic legacies of religious philanthropy and community-based service provision; the privileging of laissez faire principles; the effects of War and political conflict and consociational power-sharing with its associated politicisation identity (Cammett 2015).

Building on Gough et al.'s (2004) comparison of welfare regimes outside the OECD, Cammett and Maclean (2014) claim Lebanon shares similarities with other non-OECD countries, where unstable markets, weakened state apparatus and paucity of publicly available services means *non*-state providers, often deeply embedded in communal affairs and the larger politics of identity, supply basic goods. Although this a pattern of welfare delivery believed to be repeated in many other national contexts it is a poorly researched phenomenon (Gough et al. 2004 Jawad 2009b and Cammett 2015). Therefore, uncertainty remains concerning the efficacy of welfare structures so heavily reliant upon non-governmental provision and its impact on the socio-economic and political dynamics of a society.

When it comes to these concerns in relation to Lebanon, there is a conflict of opinion within the small body of existing literature. On the one hand, some see the bulk of welfare regime writing on non-OECD nations as holding a bias that always views the state as the rightful administrator of social protection, when in fact “the reality in many developing countries is often more complicated” (Cammett and MacLean 2014 p:37). For example, where states are significantly weakened by a faltering economy or political conflict (as in Lebanon) non-state providers can be seen to fill essential gaps, ensuring a certain threshold of welfare support is maintained. Furthermore, their work advocating for social change, aiding institutional improvements and researching social concerns means NGOs serve as an ‘anchor for change’ and help “lead the development process in the country” (Abouassi 2015 p:226). Thus, rather than a replacement of the state’s proposed ‘duty’ to secure basic social rights and needs; in these contexts, non-state providers can be seen to augment faltering states. Particularly when governments effectively utilize non-state organisations, coordinating and regulating their activities, a cooperative relationship can exist between the state and civil society which is advantageous to improving living standards for citizens.

However, more than just a necessity born-out of state absence, studies suggest the welfare services which derive from community action, local volunteerism and religious philanthropy emerge because many communities *favour* self-sufficiency, self-regulation and cohesion (Routier 2008). Evidence shows many prefer to seek assistance from individuals or organisations they feel personally connected to be it politically, geographically, religiously or otherwise (Routier 2008). Indeed, a study by Jawad (2009b) found that Lebanese RWOs enjoyed greater popularity and legitimacy in Lebanese communities than institutions connected to the state, especially as many view the government to be corrupt and failing to represent their needs. Many also cited that social welfare was the rightful purview

of religion and community action given that “the state is a political machine and welfare is a charitable, altruistic activity” (Jawad 2009b p:228). This suggests perceptions of welfare can often differ significantly to the common state-market tropes, ascribing it to a wholly non-political domain (Jawad 2009b). Furthermore, there is evidence that providers which *are* rooted in their “communities are more likely to understand the needs of the community and may therefore initiate programmes that address local concerns more effectively and appropriately” (Cammett and MacLean 2014 p:33). Thus, on the one hand, despite its imperfections the welfare-mix in Lebanon can be perceived as well-adjusted to political realities and local needs and preferences; affording citizens greater access to essential services delivered in a way that is amiable to the population.

On the other hand, many have held reservations regarding Lebanon's welfare system. Firstly, studies have argued that the existence of multiple welfare networks each connected to different political parties, communities, religious foundations or private firm has led to a fragmented system where “disparate sources of uncoordinated welfare, leave gaps and shortages in provision” (Jawad 2009b p:232). This dispersed web of providers is also believed to be poorly regulated by the government, meaning there is no robust strategy to the delivery of services, and their levels of quality vary (AUB 2016). Studies have also shown that between NGOs networking “is weak and inter-organizational communication inadequate” (Abouassi 2015 p:227). This lack of coordination leads to the overlapping of some programmes and distinct shortages in others (Culbertson 2016). Overall the Lebanese state has been repeatedly criticised for the gap between its high-levels of public sector spending (leading to a significant budget deficit and spiralling national debts) and its welfare outcomes (Save the Children 2008, AUB 2016, Baumann 2019 and Malek 2019). As already explored, access to basic health, education and social services is far from universal; the reliance on private firms and insurance markets excludes substantial portions of the public from formal coverage and studies show inefficiencies in the public services which *are* offered (Save the Children 2008). As previously explored, this has contributed to income disparities and pockets of often deeply entrenched poverty and marginalisation (AUB 2016). Seeing that the utility of a welfare regime is typically assessed on its ability to fulfil basic material and social needs, the continued poverty rates and difficulties in accessing fundamental services mean improvements to Lebanon's welfare coverage are clearly still required.

On a more conceptual plain, there has been criticism regarding the consequences of Lebanon's welfare arrangements on the substance of democratic representation and citizenship. The main thrust of these arguments hold that the dominance of non-state organisations has prevented a coherent social policy, based on the principles of social rights, equitable access and user accountability from developing (Cammett and MacLean 2014). Instead, service delivery has emerged from and continually helps to constitute the politicisation of sectarian identities and continues to be exploited as a tool of patronage for parties and movements to gain support (Cammett 2015). Even secular NGOs explicitly or implicitly discriminate

certain beneficiaries – whether based on class, gender, ethnicity, geography or other criteria (Cammet and MacLean 2014). Furthermore, all non-state providers are obligated to their funding sources, which include religious sponsors, private donors, international development agencies, foreign governments and membership fees (Abouassi 2015). The result is a complex web of institutions, programmes and services with multiple lines of accountability that blur the boundaries between state/non-state and national/international making Lebanon's welfare system multifarious and knotted. Some hold that this mosaic non-state presence erodes the *direct* responsibility the Lebanese state should hold over public goods and services (Abouassi 2015). While for the public itself, this complex web of providers is almost impossible to hold accountable, either democratically or otherwise, as lines of responsibility are so entangled and often travel beyond the realms of the state (Jawad 2009a).

Simply stated, a vulnerable family struggles to *demand* entitlements from Lebanon's welfare system; rather they “must work within existing hierarchies to piece together a way to meet their needs” (Cammet 2015 p:80). For some this signifies the failure of the state to institutionalise a rights-based citizenship, where individuals belong to a nation-state before they are “the member of a given status or confessional group” (Destremau 2000 p:316). The prejudicial treatment of beneficiaries and patronage that exists within the welfare system failing to deliver an equitable social welfare environment and exacerbating sectarian division.

Summary

The aim of this chapter was to survey theories, concepts and debates pertinent to contextualising Lebanon's child protection system. This involved concentrating on two key areas; the Lebanese state and welfare system, exploring the dominant models and theories within these domains as well as the research which has been conducted in Lebanon more specifically. This process has demonstrated that the state is structured according to a religious power-sharing model where political mobilisation is linked to ethnic and sectarian representation. The requirement of a religious identity to vote and the lack of civil marriage has further compelled Lebanese citizens to conform to civic structures that put religious association at the fore. For much of the population, the state is not therefore viewed as a neutral and non-discriminatory bureaucratic apparatus, but a conduit of communal division and elite sectarian interests.

Within this political climate, legacies of *laissez-fairism* have meant minimal direct state involvement in providing public services and social protection. Instead, the Lebanese public have increasingly relied upon *non*-state providers such as international NGO's, Local NGO's, RWOs and organisations affiliated to the main sectarian/ethnic political movements to supply Lebanon's welfare regime. This it is argued has resulted in a fragmented and uncoordinated welfare system rife with gaps

in provision. Furthermore, because resources are delivered by partisan political movements and religious foundations, this has left much of Lebanon's welfare system open to clientelist practices. Thus, rather than access to assistance being needs-based, citizens navigate communal networks in which connection to a religious institution, local politician or a demonstrated loyalty to a party determines access to basic assistance.

In addition to contextualising the social and political environment, the aim of this chapter was to review the strengths and weaknesses of the current literature base and to this end, it was clear that there are significant gaps and deficiencies. Most prominently the bulk of common theoretical perspectives, both on the state and particularly on welfare regime models, are ideologically driven by western world-views and draw on data from high-income countries. Because of this they fail to address topics important to other parts of the world, especially the impact of identity politics on political and social formation. These theoretical perspectives are also formed with key assumptions regarding the neutrality of the state, the legitimacy of bureaucracies among the governed and the capacity of the state and the market to meet people's needs. For these reasons scholars studying the state, welfare regimes and policy making in developing contexts have found the application of conventional concepts and models problematic.

It is here that a strength in the literature is beginning to develop, as a burgeoning body of scholars are engaging with this gap (Hulme and Edwards 1997, Gough et al. 2004, McGann and Johnstone 2005, Jawad 2009b, Cammett and Issar 2010, Cammett 2011, Jawad 2012, Cammett and MacLean 2014, Cammett 2015, Deets 2015). They have sought to develop alternative models that do not theoretically prejudice the domestic state as the *only* merchant of people's welfare, recognising that in lower-income countries governments and their bureaucracies often contribute to insecurity. This broader focus has allowed other significant *non*-state welfare providers to emerge, including the significant role religious foundations, civil society and family networks play in non-OECD settings. It has also allowed a greater understanding of the often-hierarchical transactions and relationships that are at force in the distribution of resources by these non-state providers. This thesis sees this growing area of literature as highly pertinent to a broader and more holistic understanding of how people meet their needs in Lebanon. As well as the patterns of interaction between the government, communities and individuals. These are all significant concerns for later discussions regarding the emergence of Lebanon's child protection system, the configuration of its stakeholders and its practice orientation. Before engaging with the specifics of Lebanon's protection system, the next chapter will explore the relevant literature on child protection.

Chapter 2. Child Protection

Introduction

The last chapter contextualised Lebanon's socio-political environment. This chapter will focus on the main topic of this study, child protection. Before discussing the specifics of Lebanon's child protection system, it is firstly necessary to review the principal theories, concepts and scholarship within this field. This will involve fixing a conceptual definition of 'child protection' and exploring the theoretical models that have been developed for comparing and analysing child protection systems. From this process it will be determined that the foremost literature basis its theoretical models on comparison between arrangements in high-income European and North-American countries; making the literature only partially-suited to other socio-economic contexts, including Lebanon. Consequently, this thesis will develop a conceptual framework for discussing child protection in Lebanon by supplementing these ideas with an expanding area of research mapping child welfare approaches outside the West and within the MENA region.

Defining Child Protection

It is firstly necessary to fix a definition of 'child protection'. Increased media attention and campaigns over the past 30 years have contributed to raised public discourse on child welfare in many countries and resulted "in an increased demand for child protection services" (Svevo-Cianci et al 2010 p:45). The protection of children is now presented as a crucial way-point towards social, moral and economic 'modernity' (Hamalainen 2016). Yet reaching a universal explanation of what it is to keep a child 'protected', and to what harm they should be protected *against*, is problematic (Hamalainen 2016). Typically related to the prevention of children's 'maltreatment', the range of phenomena that can be regarded as detrimental or damaging to a child is tremendously varied (Cicchetti 2016). 'Childhood', its boundary with 'adulthood' and what constitutes a healthy upbringing rest upon the ever-varying ethical frameworks and visions of human development, child-rearing and family formation that exist in human cultures (Thomas 2002). The problem of 'child maltreatment' is therefore significantly qualified by social factors, historical circumstances, prevailing assumptions and belief systems (Cameron and Freymond 2006). These come to shape the etiology and response to ill-treatment, with very real consequences for children's lives (Nadan et al. 2014).

Despite cultural variation, it has become increasingly argued that objective benchmarks for the healthy development of children do exist (Landman 2004). These are based upon major scientific advances in the fields of neuroscience, molecular biology, genomics and the behavioural and social sciences (Lazenbatt and Taylor

2014). Through these advances it has been established that a child's experiences in their early formative years lay a foundation for their future "learning, behaviour, relationship building and overall mental health and well-being" (Lazenbatt and Taylor 2014 p:40). A greater scientific understanding of typical and atypical child development trajectories "has taught us that parents, families and communities provide the much-needed supportive relationships and positive learning experiences that young children need for their healthy development" (Lazenbatt and Taylor 2014 p:40). Whereas exposure to trauma, egregious stress or neglect have deleterious effects on physical and psychological development (Cicchetti 2016 and Toth and Manly 2019).

Still, in terms of defining maltreatment, Cicchetti (2016) a leader in the field of developmental psychology, acknowledges that reaching a standardised definition is challenging. In spite of this, Cicchetti (2016) has distinguished a series of sub-types of maltreatment which research shows effects the typical developmental process. Firstly, *neglect* which comprises a failure to meet a child's basic physical needs including adequate food, clothing, shelter and medical treatment as well as negligent supervision, moral and educational guidance. The second sub-type is *emotional maltreatment* which "involves extreme thwarting of children's basic emotional needs for psychological safety and security, acceptance and self-esteem, and age-appropriate autonomy" (Cicchetti 2016 p:188). Examples would include belittlement or ridiculing of the child, guardians displaying extreme negativity or hostility, exposing the child to severe domestic violence, child abandonment or homicidal and suicidal threats (Cicchetti 2016). *Physical maltreatment* involves, in degrees of severity, the nonaccidental infliction of physical injury on the child including physical punishment (Cicchetti 2016). *Sexual abuse* "involves attempted or actual sexual contact between the child and the caregiver for purposes of the caregiver's sexual satisfaction or financial benefit by forced prostitution" (Cicchetti 2016 p:189). And *exploitation* commercial or otherwise which results in the actual or potential harm "to the child's health or dignity in the context of a relationship of responsibility, trust or power" (Cicchetti 2016 p:189).

These sub-types are widely recognised to comprise the major threats to typical developmental outcomes for infants (Landman 2004, Dozier et al. 2012, Lazenbatt and Taylor 2014, Cicchetti 2016, Heim 2018, and Toth and Manly 2019). Clinical and epidemiological evidence now tells us that early exposure to such maltreatment, stress and trauma;

"not only strongly and robustly increases the risk for developing psychiatric diseases, including depression and anxiety disorders and impaired cognitive development, but that it also induces lifelong risk for chronic physical disease outcomes, including cardiovascular disease, obesity, diabetes, lung cancer, chronic pain, headaches and immune-related diseases" (Heim 2018 p:16).

The increasing knowledge about the symbiotic relationship between environment and brain development shows that a child's surroundings help sculpt the

‘foundational architecture’ of their developing brain, ‘wiring’ their later experience of the world and long-term responses to stress and vulnerability (Lazenbatt and Taylor 2014 and Heim 2018). Indeed, research shows neglected children that have lacked the stimuli that activates certain regions of the brain suffer weakened cognitive pathways that hinder long-term brain function (Lazenbatt and Taylor 2014).

Following the pathbreaking study of attachment by Bowlby (1979) it has long been established that the early caregiver relationship is vital to infant development. A strong and attentive attachment nurtures the child’s “social, emotional, physical, cognitive, language, temperament and fine and gross motor skills to develop” (Lazenbatt and Taylor 2014 p:49). Attachment theory also argues that relationships to caregivers have far-reaching consequences for the way we see ourselves and what we come to expect from our future relationships (Lazenbatt and Taylor 2014). These internal models are believed to operate outside of our conscious awareness and “are relatively resistant to change” (Cicchetti 2016 p:197). For maltreated children, who experience insecure, insensitive and pathological care research shows heightened risk of developing “negative expectations regarding the availability and trustworthiness of others, as well as mental representations of the self as incompetent and unworthy” (Cicchetti 2016 p:197). Although there is a danger of suggesting biological determinism in exposure to maltreatment and negative developmental outcomes, evidence demonstrates clear association between a child’s exposure to maltreatment and mental health problems, behavioural disorders and poor educational attainment (Landman 2004, Dozier et al. 2012, Lazenbatt and Taylor 2014, Cicchetti 2016, Heim 2018 and Toth and Manly 2019).

The advances in developmental research have been critical in providing an objective framework for understanding the long-term consequences of child maltreatment (Toth and Manly 2019). These have come to significantly influence clinical, legal and policy-making decisions regarding maltreated children and how to best intervene to protect their needs (Lazenbatt and Taylor 2014). The benchmarks and boundaries for child development also underpinned the calls for children’s universal rights to minimum standards of care and upbringing. The embodiment of this right is the United Nations Convention on the Rights of the Child (UNCRC) which grants a full range of civil, political, economic and cultural rights for children (UN 1989). Since its induction in 1989 it has become the most widely approved instrument in UN history, with only the USA failing to ratify its conventions. References to the protection of children are contained under Article 19 of the convention -

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. *Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.*

International protection rights therefore advocate for both pre-emptive and responsive child welfare arrangements; demanding preventative social programmes to support healthy environments for children and legislative procedures to investigate and prosecute the maltreatment of children (UNICEF 2006). The UNCRC also designates the state and its judicial apparatus along with parents or legal guardians as holding the ultimate duty of care for children. From these international definitions a corpus of supranational agencies, NGOs and social movements have worked alongside nation-states to promote and encourage children's protective rights. As will be explored in greater detail, Lebanon too became signatory to the UNCRC in 1991 and has since been striving to realise its protective principles.

Although the UNCRC realised a universal set of values, norms and aspirations for protective rights; at the national-level countries still face difficult considerations developing appropriate interventions. As Toth and Manly (2019) argue in their review of intervention options, child maltreatment is determined by many factors and its "etiology involves a complex transaction of numerous risk and protective factors, rather than any simplistic main effects or unidimensional models" (p:59). There is thus no definitive line of reasoning that leads directly "to any one country's particular configuration of community, service and legal responses" (Cameron and Freymond 2006 p:3). Rather, the arrangements that societies make to protect their young evolve out of the contending social, political and economic circumstances which effect children's lives and contextualize their vulnerability (Korbin 2002, Cameron and Freymond 2006 and Hetherington 2006). Protection systems are also grounded in the specific historic, moral and value frameworks that surround family formation, parental responsibility and children's rights (Cameron and Freymond 2006). Yet despite this global variation, in-line with the argument put forward by Cameron and Freymond (2006) this thesis holds that *all* international settings eventually come to terms with similar challenges and choices when establishing systems for responding to maltreatment. It is the nature of the choices made, and the balance struck among competing priorities that can be said to comprise the 'profile' of a child protection system (Cameron and Freymond 2006).

At root, all dedicated efforts to protect children can intervene by either reducing the *risk* of maltreatment occurring and/or *protecting* children from direct harm (Toth and Manly 2019). Reducing *risk* necessarily requires a core set of ideas that explains why children are mistreated and certain families or communities struggle to care for their children. Although explanations vary, most child welfare systems and professional practices acknowledge that parental history of maltreatment, substance abuse, mental ill-health, social isolation, domestic violence,

economic deprivation and community disintegration are common ‘stressors’ in cases of child maltreatment and family breakdown (Cameron and Freymond 2006 and Lazenbatt and Taylor 2014). The co-occurrence of these issues and maltreatment mean protection systems may preventatively seek to detect and redress these risks to children (Toth and Manly 2019). Of course, as these factors and their determinates exist at the individual, familial, community and macro-economic level; different forms of intervention are required and protection systems will vary in the emphasis placed on tackling each of these concerns (Toth and Manly 2019 and Cameron and Freymond 2006). For example, some systems may place greater emphasis on parental responsibility and parental deficiencies as the major source of risk to children, orienting interventions towards detecting potentially ill-suited parents and removing children from their care (Cameron and Freymond 2006). Other systems emphasise the shared societal responsibility for children, classing family breakdowns and maltreatment as the result of a lack of adequate support and resources (Cameron and Freymond 2006). These choices will depend on the competing social, political and economic ideologies and interests that determine national policymaking (Cameron and Freymond 2006).

With regards to *protecting* children from harm that is already taking place, a dedicated protection system requires some form of legitimate, authoritative power to intervene in family affairs (Lazenbatt and Taylor 2014). In some instances, protective mechanisms will be largely community-based, these may rely on the authoritative position of elders, religious leaders, political figures, brokers and respected community members to intercede in family matters (Mandell et al. 2006 and O’Leary et al. 2015). However, in most systems the authority of the state, its coercive apparatus and the formal authority of the law and its courts are deployed to protect children (Cameron and Freymond 2006). It is through the coercive power of the state and judiciary that investigation of maltreatment can take place, a case can be adjudicated and a decision regarding the appropriate care of a child enforced (Lazenbatt and Taylor 2014).

Although formal authority routinely plays a significant role in protection arrangements, the point at which legal powers intervene and the manner in which legal systems operate varies widely across national settings (Cameron and Freymond 2006). For example, countries may choose to engage with at-risk families through more or less adversarial means, set varying legal minimum-standards for child care and seek to provide differing levels of social assistance to at-risk families before legal interference is approved (Cameron and Freymond 2006). This involves prioritising either the goal of maintaining family units as viable environments for children or prioritising the child’s protection from harm which may result in their removal from their natural home and family (Cameron and Freymond 2006). It also requires balancing citizens’ rights to familial privacy and parental guardianship with the prerogative to keep children safeguarded from harm and neglect. And finally, it involves policy choices as to whether the protection of children is placed as the ultimate organising principle of a system or place protection within a broader

intention to improve child, family and community welfare (Cameron and Freymond 2006).

In terms of the actors involved in delivering protection systems, the nature of child protection lends itself to service and legal professionals, including social workers, psychologists, the police and judges (Lazenbatt and Taylor 2014). However, in *many* contexts there is wide involvement of non-professionals including civic groups, community leaders, self-governing institutions and a plethora of informal welfare organisations (Mandell et al. 2006). For example, research exploring child protection mechanism within Palestinian refugee camps shows that communities consult extended family, religious figures and the wider community when reaching decisions about the protection and care of children (O’Leary 2015). Decisions regarding mandatory reporting laws, which set a legal requirement to report suspected maltreatment, can also mean professionals from a wide range of backgrounds (health, education etc) can be expected to hold accountability for the detection and reporting of protection concerns (Mandell et al. 2006). The design of protection systems in terms of whether child protection functions are allocated to a uniquely specialised public or private unit or shared between community, social welfare and justice units therefore also effects the profile of protection arrangements (Bennett and Blackstock 2006).

We therefore see that child maltreatment and child protection are conceptual categories that are open to great degrees of international variation in the way they are understood and reified into laws and practices. There is no definitive course of action to redress child maltreatment and protection systems are framed by the particular political, economic and social context in which they have evolved. This poses difficulties to the study of child protection systems as objective determination of criteria for assessment and comparison are problematic as the safekeeping of children evolves out of local attitudes, needs and compromises. This thesis will therefore attempt to hold ‘child protection’ and ‘maltreatment’ less as determined, objective classifications for dissecting Lebanon’s arrangements and more as open categories for investigation that allow space for differing interpretations to emerge. In other words, one of the crucial aspects in investigating Lebanon’s child protection system will be to understand how Lebanon has grappled with interpreting maltreatment, the choices the country has made in responding to children’s harm and how the system that currently exists developed out of Lebanon’ socio-economic and political context.

Alternative care

Alternative care is another fundamental aspect of child protection and integral to understanding the nature and function of protection systems globally. As explored in the previous section, a range of psycho-social, structural and economic stressors are associated with child maltreatment and breakdowns in care (Toth and

Manly 2019). Additionally, children can be separated from primary caregivers due to bereavement and a range of other emergencies. Alternative care is the substitute arrangement to ensure children in these situations are provided a safe and nurturing environment. Article 20 of the UNCRC clearly declares that the State has primary responsibility to guarantee alternative care for “a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment” (UN 1989 p:6). However, internationally there is wide variability in how alternative care is arranged and the extent to which it is regulated (Petrowski et al. 2017). This ranges from more formal arrangements where a competent administrative body orders substitute provisions for a child; to more informal, private arrangements where a child is cared for by a relative or new family/caregiver at the initiative of the parent or child (Petrowski et al. 2017).

Further distinctions are also made between family and non-family based alternative care. Family-based care includes fostering (or fostering type arrangements such as Kafala), adoption and ‘kinship care’ where the child is looked after by an immediate relative, extended family, community members or close family friend (Petrowski et al. 2017). In contrast, the two main forms of *non-family-based* care are residential care and supervised independent living, which is typically reserved for adolescents (Petrowski et al. 2017). Residential care refers to children being cared for in a large or small group setting (such as an orphanage or institution) away from their family by paid staff or volunteers (Roche 2019). These facilities are delivered by public bodies, NGOs or private institutions and internationally vary in the degree to which they are centrally regulated (Petrowski et al. 2017).

Unfortunately, worldwide monitoring of residential care figures is uneven. The most reliable estimate by Petrowski et al. (2017) contends that 2.7 million children lived in residential facilities in 2017, which equates to 120 children per 100,000 of the global population. Evidence shows that the scale of residential care has reduced markedly in Europe and North America which possess “better-resourced child protection and out-of-home care systems, and social and economic conditions that support parenting and family life” (Roche 2019 p:1). Most children in residential facilities are now in low and middle-income countries where limited social protection, access to healthcare, education and sustainable employment continue to act as stressors, ‘pushing’ children into residential care (Roche 2019). In many of these settings residential care has historically and culturally been a “common mode of caring for vulnerable children” (Roche 2019 p:2). International donor interest and investment in residential facilities in developing countries is also believed to have perversely led to a monetary incentive for orphanages as well as global adoption (Roche 2019). However, an international trend to divert energies and resources towards the de-institutionalisation of children has gained traction over the last two decades, especially in light of research evidence outlining the harm of residential care.

For instance, two systematic reviews of scientific research regarding institutional care by Johnson (2006) and Dozier et al. (2012) as well as a meta-analysis comparing residential and foster care by van IJzendoorn et al. (2014), demonstrate a consensus regarding the developmental impact of residential facilities. First Johnson (2006) asserts that “young children placed in institutional care are at risk of attachment disorders and developmental delays in social, behavioural, and cognitive domains... while delays in physical growth, neural atrophy, and abnormal brain development have also been implicated” (Johnson 2006 p:34). In a similar vein Dozier et al. (2012) conclude that observational comparisons between institutionalised and non-institutionalised children shows “institutionalised children have significant developmental deficits across virtually every domain that has been examined” (Dozier et al. 2012 p:6). Of course, across the studies these papers review standards of institutional care will have varied, yet despite this, the evidence still shows that even “apparently “good” institutional care can have a detrimental effect on children” (Johnson 2006 p:35).

The meta-analysis by Van IJzendoorn et al. (2014) concluded that the effects of institutional care (particularly poor-quality care) on physical, neurobiological, cognitive and social development are often profound, especially for young children. In contrast, despite remaining difficulties, “foster care is usually associated with better outcomes, including the development of more secure new attachments” (Van IJzendoorn et al. 2014 p:1). Importantly Van IJzendoorn et al. (2014) also point out that residential care can pose a further set of harms to children, including “greater risk of sexual and physical abuse and violence than in foster care”(p:18).

Research indicates the reason institutionalised children face developmental deficits is because residential facilities, no matter the standard, cannot replicate the individual care and attention of a parental figure (Save the Children 2009 and Roche 2019). Children in institutional care have limited opportunities to form close and life-long attachments with adults that take a personal interest in the child's problems and achievements (Save the Children 2009). These issues are worsened in large group settings, where the ratio of children to staff is higher as well as facilities with rapid staff turnover (Van IJzendoorn et al. 2014). Thus, without the constant, one-to-one love and attention of a primary caregiver to nurture the child's development, research shows that the neglect *inherent* within institutional care fails to encourage appropriate physical, behavioural and cognitive development as well as prepare children adequately for autonomous adult life (Johnson 2006, Dozier et al. 2012, Van IJzendoorn et al. 2014 and Roche 2019).

The mounting evidence regarding the harm of residential care has prompted an “international trend towards the development of family-based placements... and away from large-scale institutions” (Davidson et al. 2017 p:755). This culminated in the United Nations General Assembly (UNGA) collectively agreeing new Guidelines for the Alternative Care of Children (GACC) in 2009. The GACC is “intended to enhance the implementation of the UNCRC and relevant provisions of other

international instruments regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so” (UNGA 2009 p:2). Although the GACC is not a legally binding agreement, it was unanimously approved by member states (including Lebanon), ushering in a new “internationally accepted framework for the prevention and provision of alternative care for children” (Davidson et al. 2017 p:756).

After five years of international consultation that considered the body of knowledge on children’s development, the GACC set out “desirable orientations for policy and practice” (UNGA 2009 p:2). This included a detailed range of measures to guide all public, private and civil society sectors with direct or indirect concerns regarding alternative care. The overall scope and direction of the GACC can be summarised as operating under 2 guiding principles; the *necessity* principle and *suitability* principle (Davidson et al. 2017).

The *necessity* principle within the GACC holds that children should under no circumstances be unnecessarily placed in alternative care. As Davidson et al. (2017) point out the GACC recognises achieving this principle requires two core sets of actions. The first is to prevent the range of issues and conditions which contribute to children’s need for alternative care “including efforts to tackle...material poverty, stigmatisation and discrimination, through to family education, health care, support and other family strengthening measures” (Davidson et al. 2017 p:757). Secondly, the GACC advises the need to strengthen gatekeeping, including mechanisms that guarantee all available options to keep children with their parents or immediate family have been exhausted before any residential placement is made (Davidson et al. 2017). The GACC clearly states that any decision-making about children’s long-term care should focus on the best-interest of the child and take place “through a judicial, administrative or other adequate and recognized procedure” (UNGA 2009 p:11). This includes continued review of a child’s alternative care arrangements and future possibilities for family reintegration or reunification.

The *suitability* principle embraced by the GACC holds that any out-of-home care should be appropriate to the child’s needs, circumstances and overall best interest (Davidson et al. 2017). This includes ensuring minimum general standards such as adequate staffing levels, regimes that cater to children’s developmental needs, protection of children, submitting to inspections and transparency and the guaranteed provision of health and education (Davidson et al. 2017). Among arrangements, the GACC clearly stipulates that priority should be given to family-based or family-like settings, which includes fostering, kinship care and small group residential care (Davidson et al. 2017). Decisions around these placements should also consider “the child’s personal and developmental characteristics, ethnic, cultural, linguistic and religious background” (UNGA 2009 p:11). Taken together, the measures encompassing GACC’s *necessity* and *suitability* principles work in tandem to encourage the gradual de-institutionalisation of children globally and promote family-based care wherever possible.

Of course, rather than a prescriptive formula, the GACC was intended to serve as a principle-based guideline for the international community. The GACC explicitly acknowledges the need to consider “the economic, social and cultural conditions prevailing in each state” (UNGA 2009 p:2). However, after reviewing the implementation issues surrounding the GACC, Davidson et al. (2017) highlighted key challenges in countries where limited resources have historically been invested in institutional care. They observed that deinstitutionalisation for many low- and middle-income countries requires “a major shift in vision, understanding, redirection of resources and the creation of new processes of referral, assessment, care-planning and ‘gatekeeping’” (Davidson et al. 2017 p:760). Other researchers are concerned the GACC symbolises a trend towards ignoring “the specificities and complexities of different environments and suggesting that child protection programming is comprised solely by formal activities spearheaded by governments, INGOs and donors” (Krueger et al. 2015 p:19). This has led some to argue that modification to national alternative care strategies must be guided first and foremost by pragmatism; taking into consideration the capacity of the state and the overall cultural and social environment (Krueger et al. 2015). Nevertheless, the GACC remains a central instrument within the international corpus of child protection policy and planning and has precipitated a significant drive towards the deinstitutionalisation of children worldwide.

Conventional scholarship on child protection systems

The leading theoretical models for analysing the configuration of child protection systems have been developed by comparing and contrasting international settings. However, as this section will now discuss, the foremost theories have been developed by comparing the dynamics of child protection arrangements in high-income European and North-American countries, with the almost total exclusion of middle and low-income countries and the MENA region more specifically. It is this thesis’ contention that these theoretical models, despite their utility, are nevertheless ill-suited to the political, economic and social context of protection efforts in Lebanon and beyond.

In the main, two studies by Gilbert (1997) and Gilbert *et al.* (2011) form the touchstone for debates within the field; while a further piece of research by Parton (2014) has expanded upon their original findings. In the seminal study by Gilbert (1997), academics from the US, Canada, England, Sweden, Denmark, Finland, Belgium, Netherlands and Germany were brought together to develop a greater understanding of how social policies frame societal responses to neglect and abuse. After each contributor provided an overview of the basic features of their own country’s child protection system the researchers then collectively attempted to highlight important similarities and differences in the way child protection was being organised across these different national settings (Gilbert 1997). From this process it was found that the essential features of all these different systems could be

categorised into two broad orientations, a protection orientation and a family service orientation, as illustrated in the table below;

Table 1 System Orientations

Distinguishing Dimensions	Protection	Family service
Problem frame	Individualistic/moralistic	Social/ psychological
Mode of intervention	Legalistic investigatory	Therapeutic/needs assessment
State/parent relationship	Adversarial	Partnership
Out-of-home placement	Involuntary	Voluntary

Source – Gilbert (1997) p:233

These two orientations in the way countries responded to child abuse and neglect were distinguished from one another across four dimensions. The first and most significant was the way the problem of child abuse and neglect was framed. It was found that countries which had a protection-oriented system perceived abuse and neglect foremost as an individualised and moral problem that demanded the safeguarding of children from the harm caused by ‘degenerative adults’ (Gilbert 1997). On the other hand, nations with a family service orientation tended to frame the problem in terms of family conflict/dysfunction which stems from various social, economic and psychological difficulties whose solutions are responsive to services and public assistance (Gilbert 1997).

The second distinguishing feature was the initial mode of intervention called into action when instances of abuse and neglect were reported. Because protection-oriented systems are geared towards responding to deviant adults, the initial response tends to be investigatory and “backed by the legal powers of the state, which stand ever ready to be invoked” (Gilbert 1997 p:232). This contrasted with the family service approach which tends to conduct needs assessments to ascertain the difficulties families face and then develop appropriate strategies of social and psychological support.

The third characteristic that distinguishes the two orientations is the relationship held between the state and the parent. It was found that country's with a protective-orientation, following the logic of a system which approaches abuse and neglect from the perspective of defending children against the deviant or neglectful behaviour of adults, tended to operate in an adversarial relationship with parents. Here the state and the professionals employed to carry out protective roles are more inclined to *enforce* measures upon parents, in interactions which resemble the policing and surveillance of parents to ensure they are carrying out their caring duties (Gilbert 1997). In contrast, within countries with a family service-oriented system, public authorities often attempted to work in greater partnership with parents, *encouraging* caregivers to voluntarily engage with supportive services provided by

the state (Gilbert 1997). Here the focus is on professionals and parents working *together* to come to positive solutions and keep the necessity for legal interventions to a minimum (Gilbert 1997).

Finally, the last dimension which differentiated the two systems was the way each administered out-of-home placements for children who were no longer able to live with their family of origin. In countries which adopted a protective approach, the vast majority of cases whereby a child had been removed from their birth parents “were compelled through the coercive power of the state” (Gilbert 1997 p:233). This was typically carried out through a process of investigation and then the pursuit of a court-order which would be imposed upon parents to forcibly remove a child from an environment no longer deemed suitable or safe. On the other hand, within service-oriented systems, such involuntary out-of-home placements remained both a rarity and a last resort. Instead the majority of placements in these countries were arranged by public authorities and parents voluntarily, usually because the parents themselves felt such a measure had become necessary (Gilbert 1997).

The findings from the Gilbert (1997) study thus established that across the nine countries explored, two broad typologies of system for responding to abuse and neglect were in operation; one with a protective-orientation which prompted investigation and was vested in the coercive power of the state and another service-oriented system which emphasised supportive assistance and voluntary processes. In terms of the countries explored in the study, they were distributed into the two orientations thusly;

Protection – USA, Canada and England

Family Service – Sweden Belgium, Denmark, Finland, Germany and the Netherlands

In the years that followed the release of the Gilbert (1997) study, analysis of child protection systems on a protection- to service-oriented scale became a ubiquitous method. The second Gilbert *et al.* (2011) study which followed some years later, as well as Parton’s (2014) important contribution, sought to expand on these original observations by looking at how different approaches to child protection were influenced by the way states more generally demarcated responsibility between the private and public spheres and to wider national views on childhood and the family. The main assertion made was that all child protection systems “are nested within a broader policy context, which helps to define the role of the state *vis-à-vis* the family and the child” (Gilbert *et al.* 2011 p:6). In particular these studies suggested that “there appears to be a clear relationship between the approach to child welfare and protection in a country and the nature and form of the welfare regime in which it is located” (Parton 2014 p:9).

At this point both studies use Esping-Andersen’s (1990) widely referenced theory of welfare state regimes, which as explored outlines three models of welfare assistance; the Liberal (Anglo-American), Conservative (Continental European) and Social Democratic (Nordic). In Esping-Andersen’s (1990) work he highlights that

within these three welfare models there are “qualitatively different arrangements between state, market and family” (Esping-Andersen’s 1990 p:26). Gilbert *et al.* (2011) and Parton (2014) argue that these arrangements are also highly influential in shaping the adoption of particular approaches to child welfare and protection. Thus, in country's (predominantly Anglo-American) with Liberal welfare regimes, because generally the state only opts to take a narrow range of responsibilities it is therefore no surprise that child welfare policies also tend to focus more narrowly and exclusively upon “protecting children from the forensic risk of harm” (Parton 2014 p:9). This is because the balance of responsibility within a liberalised socio-economic arrangement is far more weighted towards individual citizens, the family and the market with the state playing a more peripheral role as ‘watchdog’; ultimately ensuring only the basic safety and welfare of citizens (Parton 2014). It will police this order through legalistic means, criminalising the mistreatment of children and imposing according punishments; as opposed to significantly addressing any of the structural roots that may supersede mistreatment (Parton 2014).

This is contrast to countries with conservative (Continental Europe) and social democratic (Nordic) welfare regimes where the state attributes itself a broader range of responsibilities with regards to the upbringing of children and the welfare and wellbeing of their parents (Parton 2014). In these contexts, the state seeks to provide far more comprehensive social assistance, much of which is targeted specifically at families to either maintain and support ‘traditional’ domestic structures or “protect children from the risk of unequal life outcomes as a result of their social position or upbringing” (Parton 2014 p:9). The latter Nordic models especially are more attuned to addressing the fundamental roots of maltreatment, significantly addressing structural issues that impact upon vulnerable families and the socio-economic conditions that might be linked with maltreatment. The emphasis of protection services in these systems is therefore placed on the needs of caregivers, the strength of the family unit and empowerment of the child (Parton 2014).

It has been argued that as states use wider welfare policies and specific child protection provisions to set fundamental boundaries between public and private responsibility; such pronouncements also have fundamental implications for defining the relative status of the family in society. In particular, for policy makers there appears to be the immutable challenge of crafting public policies which protect children but which do not tread too heavily on parental “rights to privacy and their right to a family life of their own choosing” (Gilbert *et al.* 2011 p:5). Although the enlargement of family welfare provisions by conservative and social democratic states can, on the one hand, be seen to reflect a serious effort at prevention and early intervention for children. On the other, it can be seen as a broadening of interference in private family matters and a supplanting of familial and communal responsibility (Gilbert *et al.* 2011). This contrasts with Liberal welfare models where the state’s decision to remain a distant protective arbitrator is argued to grant parents greater independence from the state and thus reinforce their personal rights and obligations as the child's primary caregiver (Gilbert *et al.* 2011). Of course, these

interpretations of state interference are open to various debates regarding the limit between state assistance and intrusion. Nonetheless, these considerations are still useful in highlighting how relationships within families and between the family and the state are defined, at least in part “by the size of the state and the range of services it provides” (Gilbert *et al.* 2011 p:256)

In exploring the influential comparative analysis of child protection systems offered by Gilbert (1997), Gilbert *et al.* (2011) and Parton (2014) we therefore see that their conceptualisation opens important discussions about how societies define the distribution of rights and responsibilities between parents and the state. Their theories also provided the first analyses regarding the vital linkages between a nation’s welfare regime and the features of its child protection system. As previously explored, Gilbert’s (1997) protection vs service-oriented theory has become the conventional lens through which child protection models are compared. However, this theory was founded upon research and analyses which *exclusively* focused upon welfare regimes and protection systems in high-income, Western societies. This mode for interpreting child protection arrangements is thus fixed within the specific historic, economic, cultural and political realities of the European and North-American experience.

This thesis contends that if we accept that social, political, economic and welfare circumstances have a significant bearing on the calibration of protection systems, we must also be aware that beyond the high-income West, protection systems will sit within fundamentally different settings. Applying conventional theories tout-court to countries with divergent environments would therefore be ineffectual. The leading models are unable to estimate the global diversity in legal and policy frameworks surrounding family formation or the sets of challenges that threaten family cohesion and the fulfilment of children’s needs (Gilbert 1997, Gilbert *et al.* 2011 and Parton 2014). They are also inattentive to the political and administrative difficulties facing child protection systems outside of Western Europe and North-America and will be unable to anticipate the differing value systems surrounding protection risks, child-rearing, parental-rights and family cohesion. For instance, taking Lebanon as a case in point; consociational power-sharing, the weaknesses of the state, independence of religious courts over family affairs, communalised patterns of welfare delivery, the place of political patronage in supporting needs, foreign donor support and the pervasive influence of religious welfare organisations are all aspects of the nation’s socio-economic milieu that are not reflected in the current, Western-dominated, theoretical base. In making this assertion, it is not the intention of this thesis to discredit the utility of existing literature (Gilbert 1997, Gilbert *et al.* 2011 and Parton 2014). The categories it has established for thinking about protection systems and its approach to considering the balances between private/public life and state/family responsibilities are still of significant use. However, this thesis suggests that when applied outside the European and North American context; the differing experiences of state formation,

socio-economic patterns and cultural perspectives on family and childhood make it difficult to neatly box these countries into existing categories.

This poses a dilemma. A review of current literature demonstrates a lack of alternatives to the set models for interpreting child protection systems. As previously mentioned, there is a general dearth of writing on social policy and welfare in the MENA region. When it comes to the *specific* issue of child protection the lack of research is even more striking. Studies to date have tended to examine child protection as a constituent element of broader topics such as childhood poverty, child rights and gendered inequality and have typically been conducted by international aid agencies (Save the Children 2009, World Vision 2009, Save the Children 2010a, Save the Children 2010b, Save the Children 2011, Svevo-Cianci 2010, Manara Network 2011 and UNICEF 2015b). What is seriously lacking are academic studies which give detailed focus to the issues and themes of child protection specifically. Consequently, there is only a basic account of the national systems in the region; while local definitions of safeguarding and positive practices and protective mechanisms also remain poorly analysed. This has impeded frameworks of analysis to emerge which can help explain the specific context of child protection in the Middle-East and North Africa, the situation of vulnerable families and children at risk in this region and the nuances in protection efforts from country to country.

The underdevelopment of the present literature base means well-formed theoretical models, established through repeated comparative analysis of child protection arrangements in the region, do not currently exist for application by this study. As a consequence, using the scant literature that is available this thesis will synthesise its own conceptual and theoretical framework for considering Lebanon's child protection system by situating this study within wider research efforts and debates regarding child protection in the MENA region and the non-OECD more generally.

Child protection across the MENA region

Child protection has become an issue of global attention, mobilising “international organisations and national governments around the world to improve the safety and wellbeing of children” (Hutchinson et al. 2015 p:396). This is symbolised by the UN convention on the rights of the child, which shortly after its penning was ratified by all the states of the MENA region (Save the Children 2010b). Consequently, MENA governments have either amended existing legislation or enacted new laws to better protect children (Manara Network 2011). This has not however occurred without controversy and in many instances the wish to maintain traditional values and religious ideals has “impeded the full implementation of the UNCRC” (Al-Faryan et al. 2019 p:770). As a result, a number of countries have made interpretive declarations or reservations to the UNCRC, particularly in regard to Articles 20 and 21 which addresses foster care and adoption, as well as article 14 on

the freedom of religion (Save the Children 2010b). In 2005, the Organisation of Islamic Cooperation developed the Covenant of the Rights of the Child in Islam in an attempt to devise a more 'culturally relevant model' of child rights and protection (Al-Faryan et al. 2019). While the Arab Charter of Human Rights – ratified by Algeria, Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Palestine, Qatar, Saudi Arabia, Syria, the UAE and Yemen – is a further regional instrument that makes specific provisions for child protection (Save the Children 2010b).

Despite the increased attention given to protective rights in recent decades, monitoring and documentation of child maltreatment in the region has remained poor. In an international comparison of UNCRC implementation, authors commented that among the MENA region “nearly all countries studied lacked information on prevalence and incidence of child maltreatment as well as on child protection associated outcomes” (Svevo-Cianci 2010 p:54). This is corroborated by other regional comparisons which claim that while “there is a general recognition that violence and abuse occurs... none of the countries have comprehensive data or information on its prevalence and nature” (Save the Children 2010b p:163). A study of neglect and sexual abuse incidence by Al-Mahroos (2007) concluded that the lack of data in part reflects the continued taboo that “surrounds the issues of sexuality” (p:246). The maltreatment rates which are reported for the region are therefore only the tip of the ice-berg (Al-Mahroos 2007 and Al-Faryan et al. 2019). In addition to the lack of incidence reporting, there is a dearth of statistics and information to evaluate the extent to which “new or amended laws have been successfully enforced and programmes implemented” (Save the Children 2010b p:163). As explored, academic engagement with child protection in the region is also limited.

There is thus a general paucity of systematic tracking and reporting of child protection efforts among MENA governments and dedicated scholarship on the development of protective systems in the region. This makes detailed comparison of maltreatment issues and protective approaches and outcomes extremely difficult. As discussed above, repeated comparison of protection systems between Western countries gave rise to the conventional theoretical paradigms and models for discussing the orientation of protection approaches. At this stage the scholarship on child protection in the MENA region is not comprehensive enough to develop such theoretical perspectives. The result is that currently there is only a basic, descriptive account of the region's systems of protection.

Although clearly greater work is needed to understand the dynamics of child protection across the MENA region, one must also reflect on the difficulty comparing regional protection models. Due to geographic, religious, linguistic and (real or supposed) cultural linkages the countries of the MENA area are often grouped together, particularly within the social and political sciences. However, as this thesis has already addressed, in terms of income-levels, demography, state formation and social welfare the countries are hugely varied. For instance, the Gulf states are primarily urban and supremely resource-rich, while Yemen and Sudan are agrarian

and share small, developing economies (Graham and Al-Krenawi 2013). Childhood poverty rates in Egypt stand at 1.2 million (3.2%) at the acute level while 5.8 million (16.6%) suffer from moderate poverty; in comparison Jordan and Tunisia have eradicated most extreme forms of multidimensional poverty (UNICEF 2017). Culturally, although the predominant religion is Islam, there are significant Christian, Druze and other minority religions throughout the region (Graham and Al-Krenawi 2013). While although Arab identity has been a strong cultural and ideological force, there is still a multiplicity in people's ethnic identification and continued questioning of historic rootedness. If we look at Lebanon, it particularly stands out in the region due to the religious and ethnic diversity of its population as well as its liberal social, economic and political systems and free press (Jawad 2009b).

There is thus always the danger that the discussion of 'regional' trends runs the risk of simplified reductionism. Considering the under-development of the literature base, this thesis holds that there are enough similarities in terms of historic experiences, cultural frames and social and policy challenges to make regional discussions beneficial. Exploring the common debates surrounding the definitions of protection concerns, professional and legislative practice and the aims and outcomes of protection systems that border Lebanon will provide valuable context and situate the study in regional debates. It will also help locate this study within the emerging research agendas and paradigms of the region and help conceptualise the direction and purpose of this study. To this end, discussions will now focus on exploring the common issues, debates and challenges which surround the topic of child protection across the MENA countries. Of course, it should be noted that in the space afforded this will not be an exhaustive account but will instead pinpoint key trends.

Common issues, debates and challenges

The first major discussion within the literature relates to the identity of professional child protection practice and social work within the MENA area. This debate is often presented as a tension between the forces of globalisation vs. localism in design and delivery of protection responses. Authors such as Midgley (2007) have argued that social work as a global profession has been underpinned by a "unidirectional transfer of Western practice approaches and theories to the global south" (p:624). This is believed to have occurred due to a throng of international social work organisations and development agencies promoting a progressively uniform set of values internationally as well the epistemological biases in social work scholarship (Gray 2005 and Gray and Webb 2008). It is indeed correct that the foremost schools of thought on social work and child protection have traditionally been established in powerful and affluent Western nations (Healy 2008). Askeland and Payne (2006) contend that this has led to a homogenising effect where resistance to particular points of view or increasingly 'universal' standards "are a question of poor quality, rather than alternative perspective" (Askeland and Payne

2006 p:739). Critics of these globalising trends claim that social work theory, standards and practice should instead “be defined as processes to meet local traditions and policies rather than some hegemonic international perspective” (Askeland and Payne 2006 p:739).

The work of Al-Krenawi and Graham (2003 and 2013) has been pivotal in tracing the tensions between globalisation and localism in the development of social work in the MENA area. They argue that social work as a distinct profession emerged in Western Europe and North America and was then “transplanted to colonised countries inside and outside the Arab World during the inter-war period” (Al-Krenawi and Graham 2003 p:76). Following this initial colonial phase, dedicated schools of social work were then established; firstly in Cairo in 1935, which became a hub for social work education and which helped establish further training institutions across the MENA region during the 1960s (Al-Krenawi and Graham 2003). Invariably these original schools transmitted social work knowledge and practice which was heavily influenced by Western practice models and underlying “assumptions regarding human nature and... social problems” (Al-Krenawi and Graham 2003 p:76). Most notably Al-Krenawi and Graham (2003) claim that western biases were visible in the strong assumptions made about the primacy of the individual and their need for autonomy. However, the proliferation of social work during the 1960s also coincided with struggles for independence and the end of colonialism; this led to increased emphasis on localising social work and reorienting practice within Islamic traditions (Al-Krenawi and Graham 2013). Yet, until the present, the role and identity of social work across the region has remained contested as nations continue to search for more “locally responsive, culturally appropriate models of professional intervention” (Al-Krenawi and Graham 2003 p:79).

Research shows that these issues surrounding the cultural sensitivity of social work practice have arisen in Jordan with the nation’s Bedouin communities (Al-Makhamreh et al. 2012). Although a traditionally nomadic group, the Bedouin now predominantly lead a settled existence (Al-Makhamreh et al. 2012). A minority in Jordan, Bedouin communities are formed around “tribal organisation... characterised by collectivism and fierce loyalty to family and clan” (Al-Makhamreh et al. 2012 p:963). Social work teaching and practice has had to be adaptive to these cultural features and the importance granted to concepts of “honour, dignity, respect for elders and the value of large families... as well as the collective being valued above the individual” (Al-Makhamreh et al. 2012 p:963). Like much of social work in Jordan, interventions with these communities are related more to cooperative community development and family support, as opposed to punitive statutory investigations (Cocks et al. 2009). For example, where family honour has been destabilized through divorce or domestic violence and this threatens the stability of the child’s caring unit, research shows social workers will routinely seek to work *alongside* communities, *within* their existing hierarchies and power structures (Cocks et al. 2009). Thus, in seeking family resolution social workers “might first turn to wider relatives and religious leaders on an informal basis for help... before implementing a more formal

intervention” (Cocks et al. 2009 806). These channels of resolution are considered more culturally appropriate than direct interference by professional social workers, who many communities are unfamiliar working with (Al-Makhamreh et al. 2012). Mediation of individual, familial or group conflict by respected communal figures is believed to be a common occurrence in MENA communities and is increasingly being promoted as a valuable, localising social work practice (Al-Krenawi and Graham 2003, Cocks et al. 2009 and Al-Makhamreh et al. 2012). The Jordanian case therefore illustrates the challenges ensuring rootedness of social work methods to local cultural context.

Linked to the sensitivities belying social work practice, the creation or enhancement of child protection measures in the MENA region over the last 30 years has also in many instances “spurred fierce debate over the competing roles of religion, tradition and the state in the upbringing of children” (Stack 2008 p:1). Research is unequivocal that in regions such as the Middle-East and North Africa “religion and faith, and their associated cultural dimensions, are important social factors which influence governance, social practices and beliefs around childbearing, rearing, wellbeing and protection; shaping the way that child protection concerns are defined, identified and addressed” (Hutchinson et al 2015 p:396). In many instances, long before “there were child protection and child welfare agencies, religious communities were the strongest advocates for children” (Robinson and Hanmer 2014 p:602). In most MENA countries, including Lebanon, religious courts have been the traditional authority for arbitrating familial affairs. Yet despite the tremendous influence of religion in the lives of families and children, internationally the definitions and agendas driving child protection have been exclusionary of religious perspectives (Robinson and Hanmer 2014). Studies have shown that many INGOS and governments have faced difficulties engaging with religious communities due to the perception secular “child protection agencies work from a different set of values and want to impose those values” (Robinson and Hanmer 2014 p:607). While there has been particular sensitivity engaging religious communities in discussions around issues such as “early child marriage, physical or sexual abuse and/or gender discrimination” (Hutchinson et al 2015 p:398).

The available evidence therefore shows that in the MENA region the introduction of protective policies and laws has often come into conflict with traditional values and beliefs. Governments have therefore had to search for ways to structure child protection in a culturally viable manner. This can be seen in Saudi Arabia, where the nation’s “legal and political frameworks, including child protection policies’ are heavily influenced by Islamic ideologies and Sharia Law” (Al-Faryan et al. 2019 p:769). Under Islamic law parents are obliged “to provide for their children’s health, education, safety and happiness” (Al-Faryan et al. 2019 p:769). However, Islamic principles also expect children to be respectful and obedient within the family structure (Al-Faryan et al. 2019). Since legislative reforms and dedicated protection agencies were introduced in 2004, balancing children’s rights and responsibilities has been a continuing challenge. To many people in Saudi society child protection work

is a new profession which consecrates the privacy parents should enjoy from outside, state interference (Al-Faryan et al. 2019). This has made it “difficult for social workers to build successful working relationships” (Al-Faryan et al. 2019 p:775). Considering individual identity and status “are primarily derived from the reputation of the family, threats to familial cohesion are seen as particularly egregious in Saudi Arabian society” (Al-Faryan et al. 2019 p:775). Interventions by social workers are thus seen as intrusive and harmful to the honour of families which contributes, as opposed to mitigates, the break-down of family units (Al-Faryan et al. 2019). The issues faced in Saudi Arabia are representative of similar difficulties experienced in Jordan, Egypt and the UAE, where marrying the values, perspectives and mechanisms of emerging child protection systems with the competing interests of tradition and religion has been a turbulent process (Cocks et al. 2009 and Holtzhausen 2011).

Research shows another distinguishing quality of the emerging child protection systems of the MENA countries is the more diverse array of actors with direct or implicit roles to play. For instance, in Jordan, the Royal family is a significant element within the child protection system with the Queen Rania ‘Family and Child Centre’ assigned under national protocol to provide “integrated and holistic services to combat child abuse” (ECPAT 2008 p:18). Interestingly, Jordan also formally includes the social support networks associated with tribal communities within the corpus of the protection system (ECPAT 2008). The Jordanian system also integrates religious state Ministries to facilitate the arrangement of Islamic fostering placements (*Kafala*) for children needing alternative care (Manara Network 2011). If we look to research conducted in the occupied Palestinian territories, we see the pervasive role the UN and other international agencies play within the child protection infrastructure there (Hart 2012). This has led to controversy as these agencies are funded by governments closely allied with the occupying Israeli government which directly causes the occupation-related risks many children face (Hart 2012). Outside Palestine, INGOs are a ubiquitous feature of the child welfare policy discussions and programmatic interventions of the MENA region. While finally, much like the welfare regime in Lebanon, social support in other MENA countries is often characterised by diverse non-state provision and networked welfare support (Jawad 2009b). These actors also often hold immediate responsibilities for delivering services that respond to children at risk (Jawad 2009b). We therefore see that child protection often encompasses a diverse array of stakeholders in the region.

In terms of the protection-related matters that confront countries in the locale of the MENA, again the lack of reporting and monitoring makes it difficult to identify overarching trends. Yet, still the research does point to some principal concerns. Firstly, there is the issue of early child marriage. Despite the presence in many countries of minimum age legislation which has accelerated a decline in numbers, still one in five children in the area are married before their 18th birthday (UNICEF 2018). These rates do vary regionally, from a high of one in three in the Sudan and Yemen, to a low of 1 in 50 in Tunisia, with Lebanon itself holding a comparatively low rate (UNICEF 2018). Female genital mutilation (FGM) is another

issue which has received significant international attention. Prevalence again significantly varies, with Egypt believed to have figures as high as 97% of reproductive age women and in Yemen prevalence is estimated at 23%; while the rates in other countries are extremely low (Save the Children 2010b). Child labour is further concern, although rates are lower than other parts of the world, around 3.4 percent of all children in the region are believed to engage in labour and this problem is expanding due to the Syrian crisis forcing refugees into negative coping strategies (UNICEF 2015a and UNHCR 2015). In general, the displacement of millions within the region due to repeated conflicts is another shared challenge, with countries such as Jordan and Lebanon receiving millions of refugees which have stretched their protection systems and social welfare infrastructure (UNICEF 2015a and UNHCR 2015). And finally, corporal punishment, which within the legal framework of many MENA nations is still permissible for disciplining children in the home or at school (Save the Children 2010b). All these issues have distinct and multifaceted cultural elements, again often intersecting the competing perspectives and interests of religion, tradition and the state.

Finally, the literature shows there have been some common difficulties in rolling-out child protection systems in the region. Firstly, as has already largely been explored, legislation has frequently met considerable controversy and resistance when introduced. The result is that protection laws often sit within a contentious and ambiguous position meaning in countries like Saudi Arabia, establishing a functional definition and threshold for maltreatment has been problematic (Al-Faryan et al. 2019). There has also been difficulties with the lack of resources many systems in the MENA region have been attributed to implement protective legislation, coupled with the low-pay and status of social workers in the area (Cocks et al. 2009). Another practical issue, which is common globally, has been the fact that “there are not enough trained and skilled professionals, nor treatment and support services for maltreated and at-risk children” (Svevo-Cianci et al 2010 p:46). Finally, the taboo surrounding issues of maltreatment has been a significant impediment to systems in Jordan, Saudi Arabia and the UAE as well as region-wide (Holtzhausen 2011, Fayez et al. 2014 and Al-Faryan et al. 2019). Coupled with the infancy of protection systems and the lack of public awareness around certain maltreatment issues, reporting rates in most countries are low which makes front-line services less responsive (Al-Mahroos 2007).

Summary

The aim of this chapter was to review the existing literature on child protection. This exercise has shown that the predominant theories for understanding protection systems have been developed in affluent, Western countries (Gilbert 1997, Gilbert et al. 2011 and Parton 2014). These theories place child protection systems on a continuum, ranging from protection-oriented to service-oriented. Although this literature forms the stalwart of perspectives on child protection

systems, these models were developed by comparing national contexts that do not reflect the socio-economic and political realities of the MENA region or Lebanon. Most significantly they focus almost exclusively on the formal role of the state (assumed to be resource-rich and administratively robust) as the main conduit of social welfare and protection. Applying these conceptual models to Lebanon would mischaracterise the political, economic, legal and welfare framework that undergirds protection efforts and block from view the action of important stakeholders in Lebanon's welfare environment.

This chapter therefore turned to the available literature on child protection systems in the MENA area. This it was hoped would help locate this study within the emerging research agendas and paradigms of the region. This process demonstrated that broad debates about the nature and identity of child protection and social work as a profession are taking place. This includes continued controversy regarding the way child protection is defined and addressed; with religion, tradition and the state propagating different perspectives on the role and status of men, women and children in families and society. Child protection (as a unified, distinct, legislative practice which draws on the formal power of the state) therefore remains a relatively new and contentious phenomenon; continually requiring careful translation into culturally appropriate and effective practice. However, perhaps the most striking feature of the literature base is the dearth of available data and scholarship. This poses a difficult dilemma for the study at hand. Although current literature can point to some broad trends in terms of protection efforts and debates around professional practice; research is still limited and generally more descriptive than theoretical in nature. While comparative analysis on the configuration of child protection systems in the region, their historic development and performance is non-existent. It is therefore clear that present scholarship is not established enough for this study to be able to adopt any ready-prepared theoretical models that derive from the region.

Instead of applying any existing theoretical perspectives to the analysis of Lebanon's child protection system this study will therefore take a more open approach. In defining child protection, this thesis explained that 'protection' and 'maltreatment' were not to be understood as neutrally determined, objective concepts; but open categories that need to be contextually perceived (Cameron and Freymond 2006). In the case of Lebanon this will involve an appreciation that the country possesses a specific socio-economic and welfare dynamic; one where communities, political patronage, family networks, religious foundations and NGOs play a significant role in supporting the welfare and wellbeing of families. Furthermore, the political make-up of the state, consociational power-sharing and ethnic and religious plurality will also be essential considerations for contextualising the emergence of child protection. The main theoretical direction of this study will therefore be to determine the development of Lebanon's child protection system *within* this milieu, exploring how the nation has grappled with interpreting maltreatment, the choices it has made in responding to children's harm and how the

system that currently exists has come to be developed and the challenges it has faced.

In adopting these objectives this study intends to contribute to a more detailed, conceptually driven engagement with the topic of child protection in the region, beyond the descriptive exercises that have taken place thus far. What the review of present literature has established is the crucial need to increase the stock of research on the profile of child protection systems. This will facilitate frameworks of analysis to emerge which can detail the specific challenges posed to child protection in the Middle-East and North Africa, the situation of vulnerable families and children at risk in the area and the differences and similarities in protection systems among the varied countries that comprise the geographic expanse. It is hoped that this thesis can contribute towards this effort by profiling Lebanon's model in greater detail; a country which, as we will see, has been poorly studied. In the next chapter we will begin this endeavour by reviewing the existing research and knowledge on the child protection system of Lebanon; exploring its overarching configuration as well as establishing the gaps in knowledge where this study will make its original contribution.

Chapter 3. Child Protection in Lebanon

Introduction

This chapter aims to use existing literature to provide an overview of child protection in Lebanon. This will involve firstly exploring the situation of the child in Lebanon and the rates of child maltreatment and associated risk-factors. This chapter will then go on to discuss the policies, legislation and practice that frames the care of children and their protection from harm. As explored in the previous chapter, the conceptual framework which has been adopted aims to move beyond a narrow and restrictive conception of protection and maltreatment. To achieve this, the chapter's profiling of Lebanon's protection environment will be conducted at two levels; firstly, charting protection activities at the national-level, including the obvious legislative, judicial and governmental programmes in place to address children's welfare. Then secondly at the community-level, including evidence of local-level coping mechanisms and civil society interventions. This will involve exploring some of the cultural values and beliefs which surround the issue of child protection in Lebanon and which are highly influential in shaping how communities respond to cases of neglect and abuse. And importantly, looking at the way local-level interventions interact with national systems to provide an overall framework for the promotion and protection of children's wellbeing. This process will uncover the key features and characteristics of child protection in Lebanon, as well as the challenges facing the current system and the spaces where this study can contribute to current debates and issues.

Before discussions begin it should be noted that providing an outline of Lebanon's protection system is not a straightforward task given the little information that is currently available. Nonetheless by intersecting literature from the areas of family law, international development, children's rights, social policy, and child protection itself, it is hoped this chapter will provide a sufficient overview of Lebanon's child protection situation. This chapter will begin by giving a general background to the situation of the child in Lebanon.

Background to the Situation of the Child in Lebanon

It is estimated that Lebanon is home to 4.6 million residents, 1.3 million of which are children under the age of 18 years, with 322,000 younger than 5 (UNICEF 2009). The country is culturally built upon intensely close familial bonds, not only between immediate family but also extended relatives. For most, kinship constitutes the central pivot around which daily activities and experiences revolve, to the extent that there is the often-repeated observation that "in Lebanon the family, not the individual, is the basic social unit" (Khalaf 1971 p:236). In fact, familial identity plays

such a pervasive cultural function that to a large extent a person's status in society, their occupation, social and political prestige are defined by the standing of their family name (Khalaf 1971). Hence it should be of no surprise the social importance that is placed on childbearing, as children are seen as the crucial link between generations (Makhoul et al. 2003).

By chance the signing of the Ta'if peace accord on the 22nd of October 1989 coincided with the signature of another important document, the United Nations Convention on the Rights of the Child (UNCRC). It has been argued that despite the chaos and destruction the Civil War had left behind, the country “threw itself head-first into the children's rights project” (Joseph 2005 p:1009). Ratified on the 14th of May 1991 without reservations, the UN commented that the government of Lebanon’s commitment was particularly significant as “the children of Lebanon have endured the traumas of war for 16 years, were displaced by the thousands, orphaned and handicapped and robbed of the simple joys of childhood” (UN 1995 p:3). Lebanon's adoption of the UNCRC triggered a proliferation of local and international NGOs that targeted children’s rights (Joseph 2005). In the years that followed Lebanon became party to a series of further United Nations child specific Conventions, Declarations and Resolutions, detailed in the table below;

Table 2 UN Child specific Conventions, Declarations and Resolutions

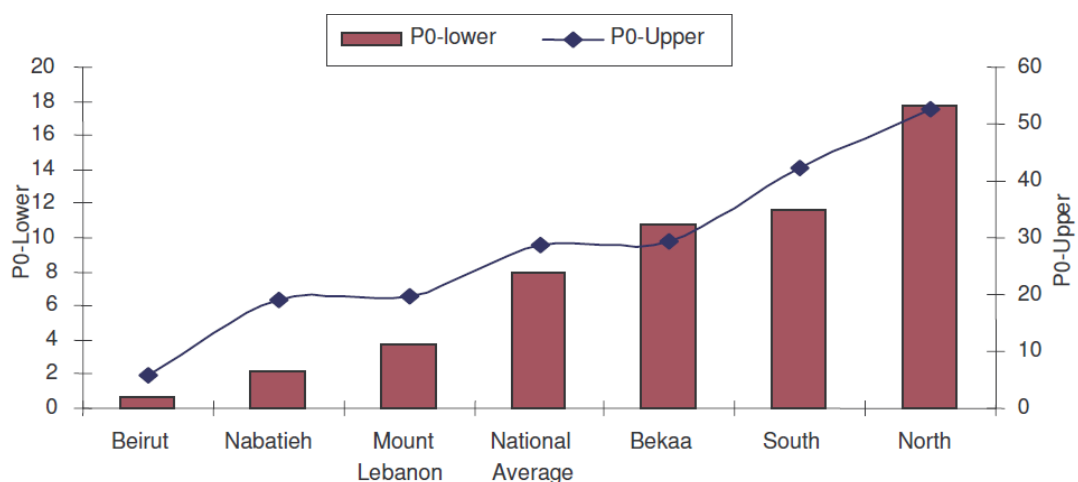
International Convention	Subject	Date of Ratification
Convention on the Rights of the Child (CRC)	Children's rights	Ratified- 14 May 1991
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Sale of children, child prostitution, child pornography	Ratified- 8 November 2004
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts	Children in Armed Conflict	Signed- 11 February 2002
Declaration on Social and Legal Principles relating to the Protection and Welfare of Children	Children's rights (foster children)	Adopted by General Assembly Resolution 41/85 of 3 December 1986
United Nations Rules for the Protection of Juveniles Deprived of the Liberty	Children in conflict with the law	Adopted by General Assembly Resolution 45/113 of 14 December 1990
Resolution 2005/20 on Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime	Endangered children	Adopted by the UN Economic and Social Council at its 36th plenary meeting, 22 July 2005
United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)	Children in conflict with the law	Adopted and proclaimed by General Assembly resolution 45/112 of 14 December, 1990
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	Rights related to marriage	Not Ratified or Signed
Resolution 1612 (2005) on Children and Armed Conflict	Children in Armed Conflict	Adopted by the UN Security Council at its 5235 th meeting S/RES/1612 (2005), 26 July 2005
United Nations Rules for the Protection of Juveniles Deprived of Their Liberty	Children in Conflict with the law	Adopted by the UN General Assembly, A/RES/45/113, 14 December 1990

Source: Save the Children (2011) 'Situation Analysis Lebanon'. p:39.

With the signing of these key international agreements Lebanon has exhibited a sustained commitment to improve the condition of the child and protect their wellbeing. When one considers the scale of destruction the Lebanese War wrought, the country's progress in terms of reconstruction and development is quite remarkable. Not least the situation of the child in Lebanon is an area that is thought to have seen "significant improvements" (Save the Children 2011 p:13). For example, the national under-5 child mortality rate which stood at 43 per 1,000 births in 1990 has steadily declined to a level of 12 per 1,000 in 2009 (Save the Children 2011). Primary school enrolment is high, with male attendance levels at 98.3% and females at 98.4% (UNICEF 2015b). While immunization levels on the whole have also improved with most key vaccinations gaining country wide coverage of at least 75% of the childhood population (UNICEF 2009). Yet although improvements in these key areas are encouraging, there are still areas which offer concern.

The first is the regional disparities that exist in poverty levels. It should firstly be noted that there is a severe lack of reliable statistics on poverty rates in Lebanon and the government does not monitor poverty levels regularly or effectively. The most comprehensive study in existence was commissioned by the UN Development Programme (UNDP) in 2008 when it was estimated that 28% of the population live in poverty when the upper standard of \$4 a day is used, while nearly 8% of the Lebanese population live under conditions of *extreme* poverty, which "implies that almost 300,000 individuals in Lebanon are unable to meet their most basic food and non-food needs" (Laithy et al. 2008 p:15). Of this population living in extreme poverty, it is estimated that 35.6% are children aged between 0-14 years old (Save the children 2008). These figures on their own when compared to global trends are not overtly concerning, they offer an average for middle-income countries. But when one takes into consideration the regional disparities in how this poverty is felt, they become striking.

Figure 1 Extreme Poverty (PO-Lower Line) and Overall Poverty (PO-Upper Line) by Governorate in 2008



Source: Laithy et al. (2008) *Poverty Growth and Income Distribution in Lebanon* p:19

As the table above illustrates, the rates of poverty and extreme poverty witnessed in the capital Beirut are low, while in the North, South and other regional areas are *extremely* high. It is argued the Beqaa, North and South of the country experience above-average poverty rates as their agriculturally based economies have benefited least from the trickle-down of the capital's finance and real-estate investment (Laithy et al. 2008 and Baumann 2019). Thus, a child born in Lebanon is subject to a form of geographical lottery in which their location of birth will have an enormous impact on their likelihood to experience deprivation.

In a more recent study funded by Oxfam and conducted by the American University of Beirut (AUB 2016) the economic pressures of the Syrian refugee crisis in Lebanon were believed to have pulled a further 170,000 Lebanese under the \$4 a day poverty level while the levels of regional disparities remained unchanged. The AUB (2016) study also attempted to provide a more holistic picture of the lives of the families that fall into the brackets of 'poverty'. Findings from the AUB's research illustrated some typical characteristics of poor households in Lebanon. Firstly, it was found that these households tend to have between 5 to 8 members; which is higher than the national average which stood in 2004 at 4.3 members (AUB 2016). The formal education attained by the main income earner is typically only up to an intermediate level, with many poor households highlighting "low levels of education and lack of market relevant skills as the biggest impediment to their ability to access well-paid and secure employment" (AUB 2016 p:8). Instead, most poor households depend on the informal labour market, making their living in the agricultural, construction and service sectors (AUB 2016). The informality of this employment (with no-fixed contracts or wage protection) means these households struggle with irregular flows of income which leaves them in a constant state of insecurity. Lastly, the AUB (2016) study supports the findings of Laithy et al. (2008) which holds that households headed by widows with more than three children are *highly* over-represented among households considered to be living in poverty; to the extent that their share among the poor is five times greater than their population share. This has led both studies to strongly recommend interventions to alleviate poverty begin by specifically targeting female headed households (Laithy et al. 2008 and AUB 2016).

For children raised in poorer families, various studies have highlighted that the conditions of scarcity and instability brought on by deprivation have a detrimental effect on educational attainment. For example, research indicates that there is a lower likelihood of school enrolment, attendance and retention among poorer children; meaning "only one poor child out of two is enrolled in intermediate schools and only one poor child out of four is enrolled in secondary schools" (Laithy et al. 2008). This is an issue exacerbated by Lebanon's educational system in which disparities in access to free education prevail, causing shortcomings in the achievement of universal and compulsory education. The government has acknowledged the need to improve the accessibility and quality of free public schooling, but despite increased patterns of public expenditure, enrolment rates in public schools have remained unchanged (Save the Children 2011).

The pressures of poverty coupled with the inability of poorer families to access free education means that many children end up leaving school at 15 (the minimum school-leaving age) or younger. Often these children are forced to abandon their education to seek employment and begin making a vital contribution to the family's income (Save the Children 2011). This is illustrated by the persistent child labour phenomenon in Lebanon which the government has made numerous attempts to address, including the ratification of ILO Convention No. 138 concerning the minimum age for employment, which now stands at 14 years old (World Vision 2009). However, despite the progress made, in 2008 the child labour rate among children aged 5–14 years in Lebanon was still believed to be at 1.9 per cent (UNICEF 2011). This means there are around 100,000 children younger than 14 taking part in manual work in the country. With the pressures of the Syrian crisis on vulnerable host communities, worryingly more recent reports show that this rate may have increased to as much as 6% of Under 14s in 2018 (UN 2019). There is almost unanimous agreement that poverty is the driving factor behind child labour, with children most vulnerable to economic exploitation coming from “rural areas which tend to have higher rates of poverty” (Save the Children 2011 p:83).

An International Labour Organisation (ILO) (2012) study into the child labour phenomenon found that most under 14s in Lebanon seek employment in small shops, meat treatment, restaurants; agriculture; construction; waste collection; handicraft (carpentry, painting, blacksmithing); automobile workshops; cleaning; carrying goods (porter) and street ‘work’ such as vending ,shoe-shining or begging. For the children who work in such sectors most toll “for long hours and at low rates of pay in jobs unsuitable for their physical and mental development” (MOL 2011 p:5). While evidence shows that children working or begging on the streets are at increased risk of being forced into commercial sexual exploitation, child trafficking and illicit work by criminal gangs (USDOL 2012).

The government of Lebanon has come up against many challenges in implementing policies to eradicate the exploitation of children by employers. One of the main difficulties is the fact children seek employment in informal sectors which make monitoring and detection problematic; while the government itself has been criticised for poor inspection strategies and weak penalties placed on employers (Save the Children 2011). Progress on eradicating child labour has also been hampered by the fact child labour is often habitually perceived “as a culturally accepted way to overcome family poverty and to prepare children to be adult workers” (World Vision 2009 p:16). This is particularly the case in rural agricultural sectors such as the tobacco industry; where small family owned plantations rely on the help of family members (MOL 2011).

The most extreme manifestations of child labour see children not only working on the streets, but also *living* on the streets. The few children whose streets are their home are usually those who have “suffered emotional and/or physical abuse within their families due to poverty, overcrowding, or family disintegration”

(Save the Children 2011 p:86). These children are defined as 'street children' and are one of the most at-risk groups in Lebanon as they live with little to no regular contact with a primary adult caregiver. The paucity of available research means reliable statistics on the magnitude of the problem are missing. Unfortunately, the government's response to the growing issue of street children has been governed by legislation which both deems begging to be a criminal act, but also recognises street children as a distinct at-risk group (Save the Children 2011). Due to this conflict in government strategy, studies show many street children needing protection are treated as juveniles in conflict with the law and end up arrested, criminalized and detained (ILO 2012 and Save the Children 2011).

As well as accessing education, children and particularly children from deprived backgrounds are also vulnerable to disparities in healthcare access. As already explored in chapter 1, health care in Lebanon is dominated by the private sector. Although there are some public hospitals and clinics; they remain in small numbers and often lack the necessary technological capabilities and qualified specialists (Cammatt and Maclean 2014). The insurance arrangements to access private health care are provided either through government schemes which cover 50% of the population, or through private health insurance which 8% of the population are signed up to (Save the Children 2011). The remaining 42% either rely on the Ministry of Public Health picking up the cost of hospital admissions, community-based organisations (typically confessionally-based) helping provide health care or as is often the case families having to pay for services out-of-pocket (Save the Children 2011). Many low-income families "that simply cannot afford the high costs of private care, will end up without health care coverage for their children" (Save the Children 2011 p:137).

The parallel process of poorer families not being able to afford health care, coupled with weaker access to hospitals in impoverished areas has contributed to glaring disparities in children's health outcomes at the regional level. For example, in the Beqaa only 89.1% of women have access to health care during pregnancy, compared to 98.4% in Mount Lebanon (Save the Children 2008). Disparities in the infant mortality rates and under-5 mortality rates are such that in the least developed regions, child mortality is believed to be "lagging at least two times behind the national average" (UNICEF 2009 p:2). The available statistics thus show that there is a clear correlation between children's health outcomes and regional inequalities in terms of household poverty rates and access to affordable health services.

In addition to Lebanese children who struggle to meet their needs, there are communities of non-Lebanese children who face particular vulnerabilities. The first of these are the Palestinian nationals residing in refugee camps throughout the land. Of the 405,000 officially registered Palestinian people it is estimated that around 35% are under the age of 18 (Save the Children 2008). Chapter 1 discussed the agonising situation of the Palestinian refugees who continue to languish in a state of limbo; refused the right to citizenship in Lebanon and barred from returning to their own

land by Israel. Because of their role in the Lebanese Civil War the Palestinian community polarises public opinion. This has resulted in the government barring Palestinian persons from working in most professions as well as excluding them from social security programmes and public service access. This political and economic marginalisation of the Palestinian population has resulted in the steady decline of conditions within the refugee camps over the last 50 years with basic amenities such as water, electricity and sanitation crumbling, while housing is severely overcrowded and in dilapidation (Save the Children 2008). The most recent statistics estimate that as many as “66.4 per cent of Palestinian refugees in Lebanon were poor in 2010, and 6.6 per cent were extremely poor, indicating that almost 160,000 refugees were unable to meet their basic food and non-food needs” (UNICEF 2015a p:6).

The second community that find themselves in a position of exceptional vulnerability are the Syrian refugees residing in Lebanon. Lebanon is now host to around 1.2 million Syrian refugees who have fled the desolation of the Civil War. This is the highest ratio of refugees to host population in the world (AUB 2016). At least half of these refugees are thought to be under the age of 18 years old (UNICEF 2015a). It is believed that “70% of Syrian refugee households live below the poverty line for refugees... and only 7% of households are food-secure” (AUB 2016 p:9). As explored in chapter 1, the Syrian refugee crisis has exacerbated problems in the already fragile public service system in Lebanon, especially those affecting the wellbeing of children. With services stretched beyond capacity, despite the assistance of international aid agencies, many Syrian children “are at higher risk of accessing unsafe water and sanitation conditions as well as facing barriers to access quality education, health and social services” (UNICEF 2015a p:44). In a comprehensive survey conducted by the UNHCR findings indicate that only 52% of 6-14 year olds are attending school while only 5% of 15-17 year olds are in secondary school or higher (UNHCR 2015). Many Syrian households are forced into negative coping strategies which include withdrawing children from costly education and submitting them to exploitative work, child marriage and even begging and street vending (UNICEF 2015a and UNHCR 2015).

It is worth at this juncture noting that this study will concentrate on child protection in relation to Lebanese nationals specifically. However, the presence of Palestinian and Syrian refugees provides important context to the pressures facing the child welfare infrastructure in the country.

Rates of Child Maltreatment and Risk Factors

Having given some background to the situation of the child in Lebanon, this section will present the existing research on rates of child maltreatment and associated risk factors. As previously mentioned, the data on maltreatment in Lebanon is *extremely* limited. This leaves us with an incomplete picture of the children who have been victims of maltreatment or are at risk of victimisation.

Presently only a handful of studies have been carried out, with the most prominent research conducted by Jinan Usta at the American University of Beirut.

To begin, the first study to assess in detail the prevalence of sexual abuse among Lebanese children was conducted by Usta et al. (2008). It involved a cross-sectional survey of over 1000 children aged 8 – 17 years old, randomly selected across Lebanon's six governorates and supplemented with 10 focus group discussions among parents and further groups of children (Usta et al. 2008). The data established a 16.1% prevalence of child sexual abuse among children between the ages of 8 – 17 years old, a figure which “falls within the range reported by numerous studies conducted in other parts of the world” (Usta et al. 2008 p:78). The study also found that the perpetrators of child sexual abuse tended to be a male relative or someone close to the child including neighbours and family friends (Usta et al. 2008). Otherwise, ‘male strangers’ were the most prominent perpetrators (Usta et al. 2008). Findings were also consistent with international literature in that children who were more prone to acts of sexual abuse were from fragmented, disruptive or violent families (Usta et al. 2008). This includes children separated from one or both of their parents (particularly their mother), whose parent/parents were deceased, or who were living in an environment where they were subjected to or witnessed domestic violence (Usta et al. 2008). On this last point the study by Usta et al. (2008) also found that of the sample “54% of children were subject to physical violence, 64% to psychological violence and 41% are witness to violent acts occurring at home” (Usta et al. 2008 p:81).

In a follow up analysis of the same data-set, Usta and Farver (2010) found that geographic location and father’s educational level were also associated with the likelihood of abuse, which both “lent support to the effect of family poverty” (p:366). For instance, there were more cases of sexual abuse reported by children in the North governorate “where there is a high illiteracy rate and a low standard of living” (Usta et al. 2010 p: 366). However, it should be noted that Usta and Farver (2010) believed these links were still tentative and required further research to validate. Other studies exploring risk factors associated with maltreatment in Lebanon have found that “the youngest of children are the most dependent upon their parents and caregivers for care and support, and are more vulnerable to neglect, violence and sexual abuse” (UN 2019 p:134). While children with disabilities were also believed “to be at a higher risk ... both within the home and in the wider community” (UN 2019 p:134).

The Usta et al. (2008) study also collected data on the effects of childhood sexual abuse. This showed sexual abuse to be psychologically disruptive and associated with symptoms of trauma, the adoption of unhealthy lifestyle habits such as smoking and drinking alcohol as well as poor educational performance (Usta et al. 2008). The study also revealed that “since sexual abuse is culturally sensitive and considered taboo, families tend to downplay the phenomenon contributing to a culture of silence in Lebanon” (Usta et al. 2008 p:84). The taboo surrounding sexual

abuse as well as domestic violence is corroborated by a UN (2019) study which has reported an increase in survivors of both “declining referrals to services, in particular to legal assistance, safe accommodation and protection services” (UN 2019 P:133).

Finally, the most recent study by Usta et al. (2013) sought to investigate maltreatment prevalence more broadly rather than focusing narrowly on the issue of sexual abuse. The first major remark from the study claimed that it was “difficult to determine the prevalence of child maltreatment and violence within the home because it is illegal, hidden, shameful and painful and the definitions continually change” (Usta et al. 2013 p:232). For instance, Usta et al. (2013) claimed that in a setting where domestic violence rates are high and child discipline is often condoned it is “difficult to tease apart variations of what might be viewed as an authoritarian parenting style from child maltreatment” (Usta et al. 2013 p:233). Still according to the international maltreatment indicators that were applied by Usta et al. (2013), it was estimated that one third of their sample “witnessed a violent event in their home over a 1-year period, and of those children 48% reported at least one incident of both physical and psychological abuse” (Usta et al. 2013 p:233). The size of the family, parent’s education and aspects of family functioning including levels of communication and ‘affect’ meaning the stability and peace of the home environment “significantly predicted witnessing family violence and abuse” (Usta et al. 2013 p:234). This was consistent with international literature which has linked maltreatment with “chaotic family environments that are compromised by poverty and economic stressors” (Usta et al. 2013 p:234). The results of the Usta et al. (2013) study also held similarities with the findings of a baseline survey conducted by UNICEF and the Lebanese Ministry of Social Affairs (2016) which found that 57% of 1 – 14-year olds had been violently disciplined in the last month.

What will be abundantly clear from this review of the scant available literature is the insufficiency of the present data on maltreatment. There has been no entity in Lebanon (governmental or non-governmental) that has carried out *regular*, annual monitoring of maltreatment issues and their associated risk factors. The paucity of available statistics may in part be explained by the recency of child protection legislation to the country, which as will be explored was only introduced in 2002, meaning a formal legal definition of maltreatment to collect data against had previously been lacking. Nevertheless, in the years since the legislation, there has still been an absence of official data collection on the matter. Within the research that has been conducted, the definitions of maltreatment remain nebulous and there has been a particular lack of engagement with the issue of neglect which is often harder to define and quantify. Thus, there is a glaring and urgent need for more frequent and comprehensive assessment of children’s welfare to be carried out in Lebanon to offer a fuller perspective on the issues confronting the protection of children. Not least this should include investigation into local definitions of child sexual abuse, violence, neglect and exploitation to explore how maltreatment is culturally perceived and acted upon.

Summary

In exploring the available research to give a general outline of the situation of the child in Lebanon, we can therefore see that despite the numerous advancements made in improving the welfare and wellbeing of children during the country's remarkable recovery from the Civil War, there are still a series of crosscutting concerns. These include the deep inequalities in terms of poverty rates; the quality and quantity of public services; regional economic disparities which affect access to health care and education; child labour and child marriage. We thus see that in a country of disparities, often pockets of deeply entrenched poverty and marginalisation remain concealed behind the veneer of wider affluence.

For the children raised in impoverished and underserved communities, many are presented with reduced educational prospects and insufficient access to the type of environment and facilities conducive to their healthy development. As their families struggle with the resources necessary to manage life-cycle risks, in many instances children are required to shoulder the burdens of family subsistence. This leads many young people to sacrifice their educational ambitions in favour of taking early responsibilities as wage earners in exploitative jobs rarely suitable or safe. Poverty is also a contributing factor to other harmful coping mechanisms such as early child marriage. The available data can only provide a shallow overview of the situation of child maltreatment in the country; greater reporting, monitoring and research is needed to comprehensively assess the scale of abuses, the profile of risks and the progress being made. However, present literature shows that children from fragmented, disruptive or violent families are at greater risk and that economic stressors are a contributing factor. In this sense childhood vulnerability arises from complex, intertwined structural and family-based problems. In the section to follow we will now explore the protection system which has been developed to define and respond to maltreatment and the policies that frame the welfare of vulnerable families.

Lebanon's Child Protection System

Having provided an overview with regards to the situation of the child in Lebanon and the available research on child maltreatment rates, this section will provide an outline of Lebanon's child protection system. This first section will remain descriptive, mapping the legislation in place, how the system is structured and the key stakeholders involved. Assembling this available literature will go some way towards addressing the first of this study's research objectives, 'to explore the model of child protection that has developed over the last 20 years'. The literature collected thus reflects this aim, concentrating on studies which have explored child protection in Lebanon during this period and especially research which has focused on Lebanon's first-ever child protection legislation, introduced in 2002. The latter part of this chapter will provide a more critical account of Lebanon's system; highlighting

the key ongoing tensions, challenges and gaps in knowledge. This will help define the choice of research question and remaining research objectives, which will be addressed through the collection of data.

It is at this point worth again reiterating the dearth of available literature in this field. Not only is there a paucity of academic work and research from independent child welfare bodies, but there is also a distinct lack of available statistics, monitoring and reporting from the Lebanese government it-self. Thus, in large part the information in the following chapter is based upon two seminal studies; one conducted by UNICEF (2011) which offers the first comprehensive analysis of the existing child protection system in Lebanon. The second, an older study conducted by the International Social Service (ISS) in 2006. These two studies are supplemented by other available sources but nonetheless do provide the bulk of the information presented. In terms of structure, as previously mentioned this study seeks to explore the arrangements in place at the national *and* community level to better reflect the form of welfare mobilisation that exists in Lebanon. This will demonstrate that there are currently three main stakeholders in the protection of children; the statutory protection system, civil society and religious authorities.

National Level

Legal Framework for Child Protection

Clearly the most significant development since the end of the Civil War in the domain of child protection came in 2002 with the state's introduction of Law 422 titled the 'Protection of Minors in Conflict with the Law or at Risk'. The law has been described as "the first and most significant effort to create a legal framework for the delivery of child protection in Lebanon" (CPEWG 2013 p:5). With the creation of Law 422, for the first time a set of statutory measures for dealing with abuse, violence, neglect and exploitation of children was enacted. The law also attributed new powers to the juvenile courts, juvenile judges and social workers to make protective orders (CPEWG 2013). Promulgation of the law has been overseen by the Ministry of Justice which supervises the legislation's execution and all other judicial processes in the country.

In terms of how the legislation operates - because the protection of minors in conflict with the law is not the concern of this thesis, we will focus exclusively upon the law's provisions for children at *risk*. Under the terms of Law 422 the security and safety of a juvenile is considered threatened when;

- i) a child is in a situation that exposes him/her to exploitation, or threatens his health, safety, morals or upbringing;
- ii) a child is exposed to sexual abuse or physical violence that exceeds the limits of non-harmful, culturally acceptable disciplining;

iii) or a child is found begging or is homeless (MOSA 2015 p:16)

Law 422 stipulates that intervention by the state judiciary in “the family’s/guardians’ privacy should be limited *only* to these dangerous cases specified” (MOSA 2015 p:18). Once a complaint has been reported the law demands that a specially trained juvenile judge is assigned to adjudicate the case. In most instances before a decision is reached on whether to intervene in the situation of a child, the judge will call “for a ‘social inquiry’ to be conducted by social workers and hear testimony from the child and their parents or legal guardian” (UNICEF 2011 p:58). Social workers will typically coordinate with other professionals to build their reports and will seek to evaluate “the family’s situation, the mental status of the parents and the continued risk to the child” (UNICEF 2011 p:74). The assessment of risk considers the nature, gravity and recurrence of maltreatment; the juvenile’s age, personal traits and degree of vulnerability; as well as the ability and willingness of parents/guardians to contribute to the safety and development of the child (MOSA 2015). This evaluation will determine the physical, emotional, mental, intellectual or developmental threat that is posed to the minor by their current home and family environment (MOSA 2015). The assessment made by social workers are pivotal in deciding the final outcome of a case (UNICEF 2011).

Once the family has been assessed, the case has received its due process and it is determined that a child does indeed face a level of risk - a juvenile judge has three main options available. It is important to note that currently the Law does not clearly differentiate between responses for children in conflict with the law and protective responses for children at risk; there is only *one* set of responses available to judges and these have to be applied to both contexts (MOSA 2015).

The first option available to juvenile judges is to make an order of *protection*; which is defined as “returning the juvenile to one or both parents, to a legal guardian or to an extended family member as long as the adult has ‘good morals’, under the supervision of a social representative” (UNICEF 2011 p:59). When there is the absence of a person with ‘good morals’, the child “can be placed with a trustworthy family or in a social institution” (UNICEF 2011 p:59). The social institution referred to here are government contracted children's homes and special protection facilities which will be explored in more detail as the chapter continues. The second response available to the judge is to call for *supervised freedom*; which “is defined as placing the child under the surveillance of a social representative who observes the behaviour, conduct, work and cultural background of the child for a period of one to five years” (UNICEF 2011 p:59). This is a response more tailored to children in conflict with the law, however it can be adapted to children at risk and signals closer monitoring of the child within their home environment by a team of social workers (MOSA 2015). Targeted assistance and specialised services may also be recommended to improve parenting skills and reduce risks associated with socio-economic deprivation (MOSA 2015). These services are predominantly delivered by non-governmental agencies contracted by the state to provide assistance on behalf

of the protection system (MOSA 2015). Social workers will then monitor the progress the child and family make, ensuring the risk to the child is resolved. The final available option is *rehabilitation*; which signals the “detention of a child in a correctional institution for a minimum of six months, education and professional training provided along with supervision of the child’s physical and mental health and morality” (UNICEF 2011 p:59). Again, this is a punitive response suited to children in conflict with the law. There is no evidence this measure is applied to cases of children at risk.

Although Law 422 signified a monumental stride towards a legal classification of maltreatment and child protection framework in Lebanon, the nature of the law and its application in practice has come under criticism. Most immediately an analysis of legislation by UNICEF (2011) led to the conclusion that “Law 422 is essentially a framework for dealing with children in conflict with the law, and not a comprehensive framework for responding to children at significant risk of becoming victims of abuse, violence, neglect or exploitation” (UNICEF 2011 p:126). Although Law 422 stipulates that judges are to “make their orders in the ‘child’s interest’, and there is a specific instruction for keeping juveniles in ‘their natural environment’ to the furthest extent possible” (UNICEF 2011 p:59). In reality the law allows judges to respond to protection cases with rather punitive measures, such as the immediate removal of a child from their home and placement in an institution or even the application of detention orders; although there is no evidence the latter is widely practiced. These anomalies are compounded by the fact that the law only refers to ‘family preservation’ rather ambiguously and does not set out a definitive commitment to place children in residential institutions only as a last resort (UNICEF 2011). It has thus been argued that Law 422, with its conflation of protective and delinquent responses and the lack of adequate provision to mitigate against the inappropriate use of residential children’s homes “is inconsistent with international standards” (UNICEF 2011 p:59).

Another major concern with Law 422 is the lack of clarity in the terms used within the legislation. Firstly, although the legislation refers to defending and promoting the ‘interest of the child’, a formal definition of the ‘best interest’ principle and how it should be interpreted and applied in practice is lacking (UNICEF 2011). As a consequence, there is no concrete and standardised guideline for best practice upon which consistent assessments can be made by judges and social workers. Similarly, the “fundamental concepts of abuse, violence, neglect or exploitation remain nebulous, as well as clear statements about ‘harm’” (UNICEF 2011 p:127). Instead subjective terms like physical violence that exceeds ‘non-harmful culturally acceptable disciplinary beating’, the term ‘threatened child’ and clauses regarding environments that threaten the child’s ‘morals or upbringing’ are used within the legislation (MOSA 2015). Without adequate assessment or gate-keeping criteria it remains unclear exactly what degree of ‘harm’ or ‘neglect’ is actually required before the state judiciary intervenes (UNICEF 2011). The problem with the tenuous nature of these statements is that because they rely so heavily on personal judgement, they

either leave some children inadequately protected under the Law or equally their over-inclusive nature means children are drawn into the child protection system unnecessarily (UNICEF 2011).

In UNICEF's (2011) review of Law 422 further criticism of its provisions were directed at the fact that, taken together, the law's conditions represent a crisis-driven approach to treating the issue of child protection. Of course, the introduction of statutory criteria to guarantee the rights of children in dire need of safeguarding is one of the most commendable aspects of the government's law. However, there are currently no provisions under Law 422 for establishing targeted prevention or early intervention services "directed at children, families and communities who have been identified as vulnerable or at risk" (UNICEF 2011 p:125). Nor are there any measures to provide early interventions to support the child's immediate caring circle to try and keep the child within the home environment, for example through; family mediation, counselling or programmes aimed at violent or substance misusing parents (UNICEF 2011). Instead the legal structure of Law 422 is only driven to intervene once a child's situation has reached a point of crisis where removal is likely, rather than providing social workers and judges with "a broader continuum of options that might help resolve potentially difficult cases early on" (UNICEF 2011 p:127).

The final critical area where Law 422 is seen to have distinct frailty is in its conflict with the traditional authority of religious family courts. As previously explained, under the Lebanese constitution religious communities and their associated courts are afforded control over personal status matters including marriage, divorce, inheritance and importantly child custody. As discussed, the constitutional restriction placed on state interference in matters of intimacy and family formation is considered a *fundamental* principle to allow for 'harmony between religion and state' under the country's 1989 peace accord (Ta'if Accord 1989). Research has shown that the state's introduction of Law 422 within the context of multiple family laws "was never intended to secularize matters pertaining to childhood or to undermine the traditional role of the religious communities" (UNICEF 2011 p:69). Instead Law 422 must manoeuvre in a 'grey area' between nationally upholding the rights of children to protection *and* appeasing the constitutional autonomy religious communities possess over family matters (UNICEF 2011).

This is seen to be the law's major weakness, as it leaves remarkably vague powers for judges and social workers to act upon (UNICEF 2011). It is claimed that in principle by referring to the 'child's best-interest' juvenile judges can intervene to suspend or overrule any religious court decision that is believed to put the child in danger (UNICEF 2011). In practice however UNICEF's (2011) assessment of Law 422 found that such decisions rarely occurred and on the two confirmed instances it did, the rulings received *severe* criticism from religious figures who claimed state judges were crossing a sacred constitutional line - interfering in community matters and

harming religion. In the wake of the ensuing public controversy, many juvenile judges have now expressed caution in opening protection files which may step on the authority of religious courts (UNICEF 2011). Thus, in their effort to avoid confrontation, juvenile judges are potentially making diluted and restricted decisions on protection cases simply to pacify the need for the law to avoid encroaching upon the authority of religious institutions (UNICEF 2011).

We therefore see that the state's introduction of Law 422 was a momentous development in the country's efforts to nationally protect children. Most importantly it has opened the first avenues for complaints to be brought forward with regards to the maltreatment of children and it is claimed symbolically to have provided a vital "element of justifiability to the right of the child to protection" (Save the Children 2011 p:44). However, the little evidence available does demonstrate that Law 422 has had various shortcomings in its design and implementation. Moreover, the self-determination attributed to religious communities over family affairs has made child protection as a state practice a complex and controversial undertaking.

Statutory Social Services

With the inception of Law 422, for the first-time social service professionals were mandated with powers to intervene in the situation of the child. In fact, the development of the social work profession has been a principal component to the ongoing child protection policy agenda in Lebanon. Working in collaboration with the police and medical personnel these social workers are the front-line of Law 422 in Lebanon. However, the state does not currently have a body of *government*-administered social workers. Instead upon the promulgation of Law 422 the Ministry of Justice signed a contract with the NGO L'Union pour la Protection de l'Enfance an Liban (UPEL) to provide the necessary social workers to "manage the follow up of individual child protection and family cases, as well compile the necessary forensic, psychological and social reports for court" (UNICEF 2011 p:66). Founded in 1936 UPEL has a long history as one of the leading children's welfare NGOs operating in Lebanon and it is important to stress that under Law 422 it is the *only* contracted agency with a legal mandate to deliver social service provisions and "intervene to protect children" (ANND 2015 p:44).

Typically, when a case of ill-treatment is brought to the attention of UPEL one of its social workers are immediately assigned as a 'social representative' for the case and asked to open what is termed a 'social inquiry' (ANND 2015). According to UPEL this process involves "watching the child that we suspect is exposed to ill-treatment; listening carefully to the child and understanding them; writing down their remarks and opinion over the risks facing them; explaining to the juvenile court judge the juvenile's situation and suggesting solutions helping the minor and his family" (UPEL 2006 p:3). As you can see the UPEL social workers aim to build an intimate knowledge of a child's personal situation as well as provide a detailed assessment of their degree of risk; information which judges rely heavily upon when reaching a final decision

regarding the welfare of a child (UNICEF 2011). In addition to this, UPEL social workers are also mandated to play a supportive and facilitative function, 'pushing' families to help find 'adequate solutions' to their situation and linking families with centres that can aid and support (UPEL 2006).

Research however indicates that the UPEL social workers; are few in numbers, overburdened with case-loads, under-funded and often have to work in extremely difficult circumstances (UNICEF 2011). This has led to UPEL highlighting concern that the sheer overload of cases they receive means staff find it difficult to follow up and monitor a judge's decision or implement appropriate care plans (UNICEF 2011). There have also been concern that many UPEL social workers feel threatened when carrying out their work, due to their small numbers and the often sensitive nature of the cases they deal with; especially in the context of communal norms and conflicts with religious authorities (UNICEF 2011). Finally, it has been noted that social work teams have struggled translating the ambiguous nature of Law 422s definitions and terms regarding maltreatment into clear assessable criteria to be used in practice (UNICEF 2011). Unfortunately, other than UNICEF's (2011) analysis and a small amount of information disseminated by UPEL (2006) there is little available information about the daily role these social workers play and details of their management of cases, thus definitive evaluation is difficult.

In sum, we can therefore see that Law 422 provides an important national framework for the protection of children at risk and relies on mandated social work professionals commissioned from UPEL to apply its principles. Due to the almost complete absence of data and academic research regarding statutory social service performance, the experiences of those who have been subject to its processes or the efficacy of legal frameworks in protecting children; any decisive inferences about Law 422 are challenging. However, it would appear from the current evidence that there are substantial incongruities in its leading principles which mean the overall system lacks the ability to demand standardised assessments and responses to child protection concerns. Additionally, there are also pivotal concerns with Law 422's ability to reconcile child protection as a state practice with Lebanon's wider tradition of religious communal autonomy over family affairs.

Contracted Children's Homes

As well as establishing a national legal framework for child protection, the Lebanese state has also contracted-out a number of services to NGOs to assist the operation of the protection system. The procurement and monitoring of these services is chiefly carried out by the Ministry of Social Affairs. The majority of these services take the form of residential care homes which receive children and provide them with shelter, food, clothing, medical care and educational support (ISS 2006). These institutions are primarily intended to facilitate substitute care for children facing a crisis and who are no longer able to stay with their family of origin. This separation can occur because the child has been orphaned, abandoned or because

there has been a significant family breakdown. The placement of a child in a residential facility can also be made because the juvenile courts have found the child to be the victim of maltreatment and have ordered the removal of the child and placement in alternative care. Studies have however found that as many as 90% of the 23,000 children placed in such residential homes are not orphans, or in need of any special temporary care, but instead in the majority of cases “come from poor families that cannot support them, especially when it comes to providing education” (MOSA 2011 p:37). Although no robust data has been collected on the conditions of these residential facilities, studies suggest that beyond small pockets of good practice, most are large-scale institutions where low quality of care is linked to underfunding and there is limited support for reintegrating children into families (Child Frontiers 2017). This wide spread practice of institutionalising children is considered to be “one of the most important challenges to child welfare in the country” (UNICEF 2011 p:50).

The rates of institutionalisation in Lebanon are amongst the highest when compared globally (Child Frontiers 2017). To understand the prevalence of residential care in the country one must understand the historical and political context behind its use. Deprived families placing their children into homes for the purpose of maintenance and education has a long tradition in the Levant which dates back to the French missionaries of the 19th century (White and Daughton 2012). Establishing some of the first orphanages and residential schools in Lebanese villages these facilities, along with the praxis of removing children from the destitution of their communities, became a widespread practice and their legacy continued following the country’s independence (White and Daughton 2012).

In the present context, with a lack of social assistance to support deprived families and the paucity of accessible free public services, these orphanages have slowly expanded into ubiquitous welfare institutes absorbing the burden of “Lebanese families unable to meet their children's basic needs” (ISS 2006 p:20). Because residential homes are able to offer better standards of material care, parents desperate to enhance the opportunities for their children often see it as a superior option and choose to place the child in these centres (Save the Children 2010a).

Residential homes therefore play a palliative function, responding to “the lack of financial priority given to building the capacity of vulnerable families to care for and protect their own children” (Save the Children 2009 p:2). The study of social welfare by Jawad (2009b) revealed that a strong distinction between poverty reduction programmes (e.g. income-maintenance, micro-credit services and livelihoods training) and social care (e.g. services for vulnerable populations including orphans, widows, older people, disabled people and sick people) did not exist in Lebanon. Under the broad rubric of the ‘social case’ Jawad (2009b) found that families whose vulnerability was linked to their low-income were often assisted through social care measures, including the acceptance of children into residential

care as opposed to providing the financial assistance to help the family raise the child themselves. The culmination of these factors is argued to be a key driving force behind inappropriate placements of children within homes which seal the long-term institutionalisation of children and the loss of contact between them, their family and their community, simply on the grounds of parental struggles with material deprivation (Jawad 2009b, Save the Children 2009 and UNICEF 2011).

Another key driving factor behind the abandonment of children into residential facilities is related to cultural traditions under which “public standing or ‘reputation’ (*sum’ah*) is tied to, amongst other things, sexual propriety” (Clarke 2008 p:159). While there is of course varying degrees of emphasis and intensity regarding sexual morality across the broad social spectrum which comprises Lebanese society, an ethic of sexual modesty is found to be of broad importance (Clarke 2008). Thus, pregnancies which have been conceived out of wedlock or the result of an adulterous relationship are often shrouded in social stigma and dishonour for the family involved (Clarke 2008). Although the available statistics on this phenomenon are scant, it is believed that the social dishonour mothers of ‘illegitimate’ children bare within their community leads many to abandon children to such institutions at birth (ISS 2006).

In line with the GACC and its push towards deinstitutionalisation globally, the Lebanese government in recent years has sought to curb the placement of children in institutional care and develop a framework that can offer positive, family and community-based alternatives for children removed from their parents by the protection system (UNICEF 2011). However, as will be discussed further in this chapter, the Lebanese government’s attempts to transition from the over-use of residential care has been impeded by local cultural barriers and the religious courts’ jurisdiction over the registration of children’s custody. Hence, in the most recent statistics available it is estimated that the Lebanese government now has 183 contracts with civil society organizations to provide institutional care for children (UNICEF 2011). Although the government of Lebanon has acknowledged the need to strengthen support for vulnerable families to prevent the abandonment of children the Ministry of Social Affairs still spends an estimated 60% of its annual budget for social welfare on residential homes, with an average annual cost of 15 million Lebanese Lira per child (UNICEF 2011). Despite the state’s efforts, the remaining contracted homes are argued “to continue to encourage families to place their children into care and draw funding away from services that could better support children to thrive within families and communities” (Save the Children 2009 p:1).

Community Level

Having explored the child protection structure in place at the national level including; country-wide legislation, statutory social services and state contracted children's homes. This section will now concentrate on the responses to child welfare which occur within communities and are often organised through informal channels

and outside the purview of official government diktats. This section also aims to explore some of the cultural values and beliefs which surround the issue of child protection in Lebanon and which are highly influential in determining how communities respond to child welfare issues.

The role of Civil Society

Thus far we have explored the national statutory child protection system which is comprised of Law 422, the social work professionals mandated to implement its requirements and contracted children's services. However, for reasons to be explored, studies suggest Law 422 remains periphery in terms of child protection at the community-level, as illustrated by the limited number of protection cases recorded - in 2010, only 147 protection cases were referred to the juvenile courts (UNICEF 2011). Research indicates that part of the reason for this sparse number is that although Law 422 was intended to formalise a local-level response to child protection, in many cases services for families and children at risk are still being provided by organisations that are *non-governmental* (UNICEF 2011). It is important to stress that these organisations operate *independently* from the state and the statutory child protection system, and thus have no formal legal mandate to provide protective services for children. Similarly, there is currently no legal requirements placed on NGOs to report protection related risks to statutory authorities and most operate without any central government oversight or regulation (UNICEF 2011). Nevertheless, in most communities these non-governmental organisations dominate and are in far greater abundance and availability than government-affiliated children's services (ISS 2006 and UNICEF 2011).

Despite the lack of research, from the small amount of academic studies which have been conducted it would seem the majority of non-statutory children's services tend to be run by Faith-Based Organisations as well as other local Lebanese NGOs and relief organisations (ISS 2006, Harb 2008, Jawad 2009a, Jawad 2009b, UNICEF 2011, Cammett and Maclean 2014 and Cammett 2015). As explored in chapter 1, within the context of a traditionally limited state role in providing social safety nets, many religious charities, foundations, political movements, INGOS and local NGOs have mobilised to provide basic needs and support to local communities. Indeed, it has been argued that the scope, reach and influence of non-governmental entities in Lebanon is such that "they must occupy centre-stage in any analysis of social policy in the country" (Jawad 2012 p:227). It is no different for the arena of child protection, where a variety of NGOs and movements play a central role in offering welfare and safeguarding services for vulnerable families (ISS 2006 and UNICEF 2011). This includes facilities aimed at "children with disabilities (visual or hearing impairments, learning difficulties), child workers, children at risk of abuse and violence, street children, orphans, and children in conflict with the law" (UNICEF 2011 p:78).

To date, UNICEF's (2011) study is the only investigation which has attempted to explain how the non-governmental sector negotiates protection concerns. Findings suggest that when it comes to identifying vulnerable children, although some generic assessment tools are often in place, there are rarely formal assessment criteria for determining risks and instead staff largely rely upon personal impressions (UNICEF 2011). Failing this, in many cases children at risk are highlighted by services through self-referral or more visible signs such as bruises, burns, malnourishment and poor hygiene (UNICEF 2011). Interestingly some local NGOs have claimed that because they are deeply embedded in the neighbourhoods they work in they often know families that are particularly vulnerable and "so staff were able to recognise chronic welfare issues and deterioration in the environment of the child" (UNICEF 2011 p:81). There is some degree of validity in this claim as studies in Lebanon show that NGOs are often well rooted in the social life of their community, possess close ties with residents and have a deep understanding of local needs and challenges (Jawad 2009b). With the little evidence available however it is difficult to corroborate these claims and clearly without standardised criteria for assessing risk, there are challenges in ensuring these organisations offer consistent and effective protection responses.

With regard to the management of cases that *have* been identified and the decision-making processes that surround them, again UNICEF's (2011) research offers some revealing findings. Most importantly it highlighted that the disclosure of severe risk to local NGOs rarely triggers an automatic referral to social services, in fact often a principle of confidentiality is applied where staff are reluctant to break the trust a family member or child has placed in the organisation for risk of causing further harm. Instead, perceived through "a general lens of family dysfunction service providers in protection cases consider it prudent and constructive to work with the family situation as it presents itself" (UNICEF 2011 p:88). Typically, a case of abuse, neglect, violence or exploitation is thus initially dealt with via an organisation's regular framework of welfare assistance. This may include offering budgeting classes; financial assistance; day centres; medical care; therapeutic and counselling services; rehabilitation for substance misuse; parenting classes and educational assistance (UNICEF 2011). The overall aim is to reduce personal and economic stressors in the home environment that may be contributing to family difficulties, as well as supporting parents to fulfil their caring responsibilities.

If there is a *significant* breakdown of the family unit or a child is deemed (according to internal criteria) to be in severe danger, organisations will often attempt to relieve the burden of parental responsibility and suggest ways to extract the child from danger (UNICEF 2011). This either involves temporary respite or permanent removal of the child from the family environment. These children are then placed into a children's home that is ran by the organisation that has encountered them or another in the local area. In this respect, much like in the statutory system, this means the non-governmental sector ends up taking-in large numbers of children from poor households, problematic families and children who

are orphaned or abandoned (UNICEF 2011). Again, many placements are made under the assumption that a child's future is always more promising in an institutional setting than in a household burdened by poverty or family discord (Dozier et al. 2012). It should be stressed however that because these are *non*-statutory services with no legal authority, none of the protection responses discussed are compulsory; they all rely on the voluntary engagement of families. Furthermore, with no legal mandate these organisations are also powerless to enforce protective measures against the *perpetrators* of abuse such as the removal of a parent from the home or investigation into their alleged role in the ill-treatment of a minor. Although evidence therefore indicates that the non-governmental sector plays a significant role in offering protection for vulnerable families and children at risk in Lebanon, because of the sheer lack of available information, a detailed picture of the nature and function of the sector is lacking (ISS 2006 and UNICEF 2011).

In addition to the direct protection services that are offered by civil society in Lebanon, there is the implicit role the non-governmental sector plays in the protection of children and wellbeing of families. As a vital component in the welfare-mix of Lebanon, civil society has a pivotal role in sustaining the resilience of communities, the stability of families and the immediate needs of low-income households (Cammet and MacLean 2014). Civil society is also at the forefront of addressing social marginalisation and gender inequalities that contribute to certain maltreatment concerns (Cammet and MacLean 2014). They are thus at the vanguard of confronting protection related risks and detecting the maltreatment of children, yet there are no formal systems in place or referral pathways established that bond the efforts of civil society to the statutory protection system (UNICEF 2011). The abundance of services that exist at the grass-roots level to assist vulnerable families and children operate without any government oversight or centralised direction (Cammet and MacLean 2014 and UNICEF 2011). Research therefore suggests that the degree of harmonisation and coordination between the state and civil society is low (UNICEF 2011). This it is argued has resulted in overall fragmentation, as the statutory system and non-governmental sector end up overlapping and undermining one another (UNICEF 2011).

The role of Religious Authorities

As explored, ever since the country was founded as a Republic in 1926, the terms of consociational power-sharing have attributed autonomy over family affairs including marriage, divorce, inheritance and child custody to each religious community and their associated courts. Due to these constitutional arrangements there are no civil laws on the custody or adoption of children and instead the practice is managed independently by each of the country's religious denominations. This has granted religious authorities a significant stake in children's welfare as it is the various long-held traditions, religious principles and court procedures which inform how alternative care is recognised and managed in religious communities. Research

shows this has contributed significantly to the statutory protection system's reliance on contracted residential homes to provide substitute care; as the juvenile courts do not possess the power to authorize permanent alternative family placements (ISS 2006 and UNICEF 2011). With over 18 recognised religious sects, each with their own individual legal systems it is not possible to provide a comprehensive description of the legal procedures in each religious court system. Instead, this section will broadly explore the religious and legal traditions surrounding substitute care within Lebanon's Christian and Muslim communities.

Beginning with the Christian traditions regarding alternative care, evidence shows all of the sects within the Lebanese Christian community permit and make legal provisions for adoption in its "most complete sense, giving unrelated children the name of the adopting parents and treating them as non-adopted child in every regard, including... the right of inheritance" (Clarke 2008 p:164). Judgments regarding legal adoption can only be decided through application to a religious tribunal presided over by an assigned bishop, priest or pastor depending on the sect of the parent (NOW 2009). Although there are differences in how each denomination handles such cases, in general there are some common criteria that guide decisions to permit the adoption of a child. Firstly, there must be proof that the child has been given up for adoption or is an orphan. This can include the necessity for written consent from biological parents or in the case of orphans, those who currently have guardianship over them (ISS 2006). Secondly, the child must be from the same religious denomination as the adults seeking to adopt them (ISS 2006). Thirdly, criteria for age mean that adoptive parents must be either 18 years older than the adoptee, or within some sects be a minimum of 40 years old (ISS 2006). Finally, most Christian courts will only permit adoption by married couples and only when couples do not already have children and agree to refrain from having children in the future (ISS 2006). If all these criteria are met and the Christian court permits the child's adoption - then a new identity card, birth register, and Lebanese passport are made to reflect the child's change in family status.

Due to the legal hurdles – particularly the need to prove both a child's abandoned or orphaned status and their Christian origins – adoptive parents will usually look for a child in need of adoption through charitable orphanages ran by local churches (ISS 2006). This has raised concerns because as explored previously many such religious organisations receive large numbers of children who are not in fact orphans, or in dire need of alternative care, but have been abandoned because their parents are too poor to provide for them or because of the social stigma surrounding single parenthood and adulterous pregnancies (ISS 2006). In general, however, despite provisions being made for adoption in Lebanon's Christian community, it still remains a rare practice and one shrouded in such taboo that those who choose to adopt will often "go to great lengths to cover their tracks, faking pregnancies or making secret deals behind closed doors" (NOW 2009 p:1).

Now to turn attention to Lebanon's Muslim community; here personal status matters are determined by *Sharia'h* "which consists of laws deriving their source of authority from the Quran, Sunnah (the practice of the Prophet), Ijma (consensus reached on the specific issue by religious-legal scholars), and Ijtihad (independent inquiry and judgement in legal matters as well as analogical reasoning)" (Ishaque 2008 p:397). The use of *Sharia'h* means there are several interpretations of Islamic law; however, when it comes to the matter of alternative care there is general unanimity between the different denominations and schools of thought. Overall, adoption is considered unacceptable by the rules of *Sharia'h*, which does not allow for an adopted child "to be considered in any way related, by name or otherwise to the bloodline of an adopting family" (Ishaque 2008 p:397). Thus in all of Lebanon's Islamic courts there are no provisions to allow for full-adoption in the sense that a non-biologically connected child can become considered legally equivalent to a natural born child (Ishaque 2008). This exclusion of adoption derives its authority from a verse in the Quran, "which revealed to the Prophet that blood ties were the primary source of determining parentage and lineage" (Ishaque 2008 p:397).

This does not however mean that care for vulnerable children is discouraged in Islam; within the faith the act of a Muslim taking into their home an orphan and caring for them as if they were their own is considered both an act of *Zakat* (charity to those less fortunate) and deep piety (Ishaque 2008). It is something not only actively encouraged but considered a sacred religious duty (Ishaque 2008). However, under *Sharia'h* law provision for such an alternative care arrangement is not covered under a system of adoption, but *kafala* which is "far closer in characteristics to the present-day practice of fostering but unlike it in so far as it is not a temporary arrangement" (Ishaque 2008 p:401). Under *Kafala* which translates as 'sponsorship to feed', the law enables children to be brought up in another family under an arrangement close to guardianship, where the child is cared for like a member of the family but does not gain inheritance rights and must keep their original family name (Ishaque 2008). Again, the decision to grant such alternative care must be decided by an Islamic court which assigns "a judge to monitor and control the situation of the child and to ensure that the *Kafil* honours its obligation to... support the child's maintenance, education and protection" (Boursicot 2010 p:285).

Because of the emphasis placed on the importance of patrilineal blood-ties in the Islamic faith, *Kafala* is preferred to adoption as it does not "deny the child the right to know their biological parents and the choice to maintain a relationship with them" (Ishaque 2008 p:401). With regards to the stipulations on inheritance, these largely relate to the fact that the intention of *Sharia'h* law is to provide rules regarding estate which prevent animosity between family members when a loved one passes away. As such it is believed that in order for a child under *Kafala* to be accepted completely by the new family members they have "to be seen as not constituting a threat to their future rights of inheritance" (Ishaque 2008 p:407). Again, irrespective of "not being given the right to inherit from the guardian, the *Kafala* child is to be loved and taken care of in the same way as the natural children

of such a guardian but with the knowledge that he/she is of a different lineage” (Ishaque 2008 p:407). Although under *Kafala* there is a strong moral imperative for Muslim communities to provide alternative family-based care for children; in Lebanon, as in most Muslim majority counties the practice remains a rarity (Inhorn 2006). Instead, what is far more common is for Muslim couples to sponsor the care of orphans living in local orphanages through charitable donations (Inhorn 2006).

Thus, we see that in Lebanon Christian courts recognise the full adoption of children while Islamic courts instead encourage guardianship through the system of *Kafala*. However in general, *across* the Lebanese communities there has never been a strong tradition of Lebanese families caring for non-biologically connected children. This is attributed to the fact that Lebanese society is so heavily built upon traditions of family lineage which means that the concept of accepting a child who ostensibly ‘belongs’ to another family is considered out of the ordinary (NOW 2009). The Lebanese government has highlighted the expansion of family-based alternative care to be of pivotal importance in order to transition away from the statutory system’s over-reliance on residential homes. However currently the laws which govern custodial arrangements are managed entirely by the religious courts (ISS 2006 and UNICEF 2011). There is thus currently no centralised system for identifying alternative family placements for children in the protection system (ISS 2006 and UNICEF 2011).

It is also worth noting that there has been no evidence collected on the broader role that religious authorities play in addressing child and family needs and managing protection related risks in religious courtrooms and decision-making. Thus, although the constitutional arrangements in Lebanon mean that religious authorities play an *intrinsic* role in shaping and governing the family sphere, little is known about their contribution to the protection of children.

Community Perceptions of Maltreatment and Response Mechanisms

To understand Lebanon’s protection environment, it is important to appreciate how communities perceive maltreatment, the local response mechanisms that exist and how communities interact with the formal child protection system and associated professionals. Although the literature is sparse, the few studies which have touched on these subjects offer an illuminative insight.

In the first instance, in a desk-based study analysing the situation of children in need of protection conducted by the Centre for Family and Community Health at Lebanon's Saint-Joseph University it was found that in Lebanon a pervasive “taboo concerning domestic intimacy remained strong” (CFCH 2006 p:42). Ethnographic studies by Joseph (2005 and 2011) exploring kinship structures in Lebanese villages also referred to this phenomenon, terming it Lebanon's tradition of ‘familism’, where

the sanctity attributed to kinship means the family unit is perceived to possess near sovereignty and the inherent right to manage its own affairs in an autonomous way; without external interference. It is believed that the result of this core premise is that there is often a reluctance within such a “social environment to intervene to protect an abused person, considering it to be a matter internal to the family” (CFCH 2006 p:42). Thus, in many communities, issues such as domestic violence, the physical punishment of children and other forms of maltreatment are believed to go chronically un-reported, as individuals are apprehensive to interfere in what are considered to be private matters (CFCH 2006). Furthermore, the social taboo surrounding these topics is believed to have hindered public discussions and national campaigns to raise awareness and encourage communities to identify and confront child maltreatment by reporting it to professionals (Save the Children 2011).

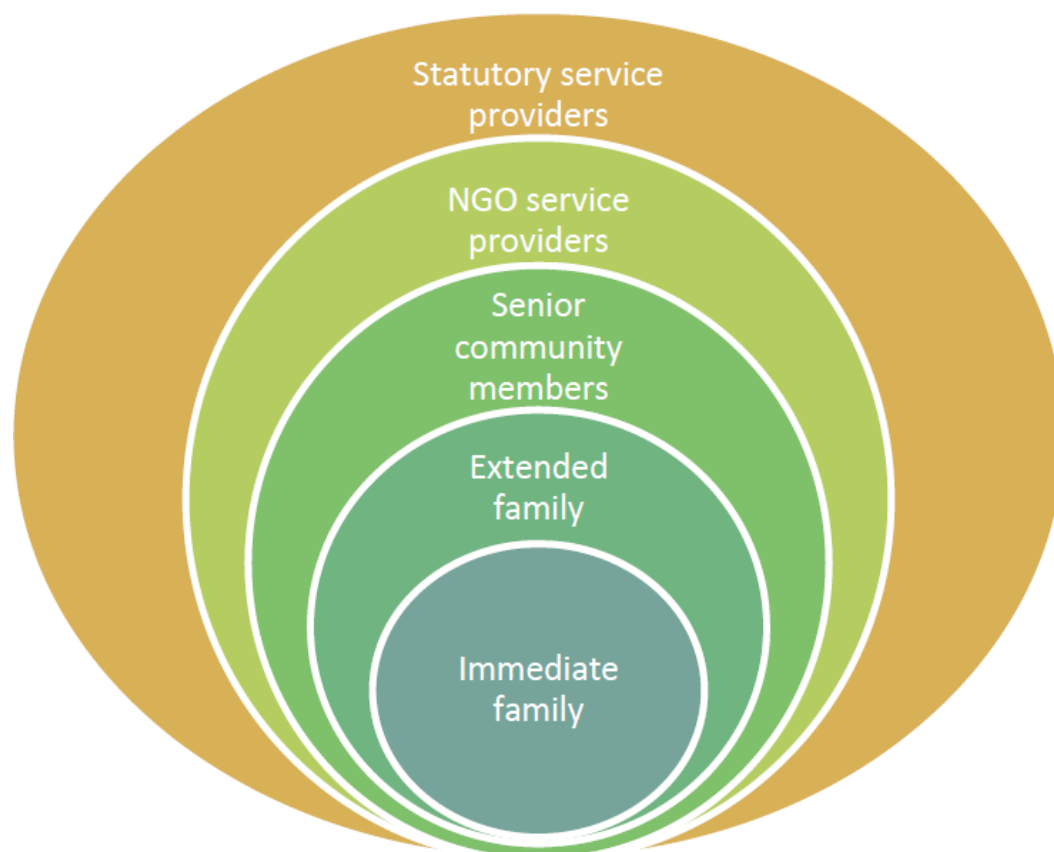
Largely connected to the notion of the family’s right to self-determination, studies have also highlighted ‘common’ cultural perceptions which see the child as belonging “to the family, and the family to the community” (UNICEF 2011 p:94). It is claimed that the result of this fundamental assumption is that “when dealing with the problems of a particular child, they tend to be considered as part of that unit rather than as an autonomous individual” (UNICEF 2011 p:94). In contrast, the statutory child protection system in Lebanon holds the child to be an individualised self, with rights and responsibilities which inhere in their personhood (Joseph 2005). This justifies the intervention of the state in familial matters; to uphold the child’s personal right to protection from harm (UNICEF 2011). Some however argue that in Lebanon, locally upheld cultural ideas strongly support “a notion of the relational or connective self” (Joseph 2005 p:1008). That in a country where communal bonds are strong, conceptions of children’s rights and responsibilities cannot be readily detached from a child’s immediate connections to their family and their neighbourhood (Joseph 2005). In one sense this provides a positive frame of support for children, who are socialised into close, networked communities which “essentially raise each other’s children, disciplining them, feeding them, teaching them and looking after them” (Joseph 2005 p:1005). On the other hand, because children are often seen as ‘belonging’ to the family and the community, they are subsequently given few channels to express themselves and have their autonomous rights respected (Save the Children 2011).

In UNICEF’s (2011) study, which conducted interviews with a range of individuals who possess local-level responsibilities for children, it was found that certain beliefs and values drove how communities responded to protection concerns. One of the most fundamental, which has been touched upon already, is the central belief that parents have primary responsibility for the care and protection of their children. Coupled with this was the conviction that any kind of resolution to protect a child should “enable the accused to be able to ‘save face’” (UNICEF 2011 p:94). Together, it is argued these inform a cultural sensitivity in many communities that any external, state intervention which could potentially stigmatise the family in the eyes of the community or humiliate specific members should be avoided; particularly

as such actions could further threaten the stability of the family unit and undermine the central role of the parents as caregivers. The UNICEF (2011) study therefore expressed concern that the principles informing local decision-making by families and communities confronting maltreatment “lean too heavily towards the protection of the family unit rather than addressing the very real needs of the child” (p:94).

The study by UNICEF (2011) went on to explore the typical paths to resolution that the public took when the mistreatment of a child had been identified. Methodologically this involved presenting hypothetical situations of child endangerment to key local-level figures such as community leaders, religious leaders, municipality officials, school principals, doctors, paediatricians, nurses, parents and children themselves (UNICEF 2011). These participants were then asked to reflect upon the different ways they could help children in such difficult circumstances (UNICEF 2011). The results were intriguing and are well captured in the below diagram which provides a visual representation of the channels of resolution routinely embraced;

Figure 2 Protection Reporting



Source: UNICEF (2011) Strengthening the child protection system in Lebanon : challenges and opportunities p:93

What the UNICEF (2011) study demonstrates is that when maltreatment has been identified, in many cases local-level responses will initially choose paths of resolution that keep the issue within the nucleus of the family and the community; with reporting to the statutory system a far less-preferred solution. These informal resolutions were often found to start with immediate or extended kinship circles, where community members appealed to senior or well-respected family members to discuss the child's situation with their parents and if abuse or neglect is occurring, appeal to the perpetrator to change their behaviour (UNICEF 2011). This study suggests that when the immediate family has failed to address a situation, they will then often propose intervention by a well-respected external figure, such as a prominent community member or a religious leader (UNICEF 2011). In the case of abuse or neglect the mediation by such an external figure will often be restorative in nature, aiming to make parents aware of their responsibilities in accordance with accepted mores and provide them with spiritual, religious and social guidance (UNICEF 2011). At the community level, child protection is thus often believed to be a process of mediated negotiation and persuasion. It is only when these initiatives are unsuccessful that actions may then be taken to report a child's case to a local

NGO specialising in child welfare and as a last resort, to statutory social services (UNICEF 2011).

Thus although the literature in this area is limited we still see some interesting assertions being made in how local communities are believed to react to child protection concerns. Broadly speaking we can see that local definitions of key concepts regarding childhood, family, rights and responsibilities often resist the praxis of statutory responses which are deemed as external interferences that bring unnecessary 'shame' on community members and trespass on the natural rights of families and communities to manage their own affairs. In addition to this, the literature alludes to strong cultural sensitivities around topics of intimacy which are felt to have impeded public discourse on child mistreatment and continued to propagate a social taboo around confronting protection issues within the community.

Key Tensions, Challenges and Gaps in Knowledge

Having outlined the various governmental and non-governmental stakeholders in child protection at a national and community level; this section will move beyond the descriptive account offered thus far and provide a more critical evaluation of Lebanon's protection system. The focus here will be on exploring how the arrangements for responding to vulnerable children at the national and community level coalesce to provide an overall protective framework and how effectively this framework meets the needs of children. It will also explore the core debates and challenges that have confronted the development of Lebanon's child protection system and where further academic research is required. This chapter will conclude by highlighting the gaps in knowledge this thesis seeks to fill and the debates and dilemmas it seeks to address. By way of summary, the table below recaps the main actors in the protection of children and their key responsibilities:

Table 3 Child Protection in Lebanon

Sphere	Organisation	Responsibilities
The State	Ministry of Justice	<ul style="list-style-type: none"> – Organises and manages the judicial services of the State – Supervises the enforcement of the law and judicial instructions
	Ministry of Social Affairs	<ul style="list-style-type: none"> – Supports and promotes social welfare nationally – Directs the 220 Social Development Centres – Contracts NGOs to provide child protection services – Procures residential care facilities and oversees children’s placements
	Juvenile Courts	<ul style="list-style-type: none"> – Judiciary responsible for enforcing child protection Law 422 – Contracts UPEL to provide social workers for managing cases and compiling assessments – Provides Juvenile Judges who adjudicate cases – Establish protection plans for children in danger
	Contracted Social Workers	<ul style="list-style-type: none"> – Investigate allegations of maltreatment – Compile reports for the Juvenile Courts – Liaise with children and families
	Police	<ul style="list-style-type: none"> – Apply Law 422 in their daily duties – Enforces the decisions of the Juvenile Courts
Civil Society	International NGOs	<ul style="list-style-type: none"> – Supports and promotes social welfare – Independently provides child protection programmes and services – Advocate for the rights of children – Operate residential care facilities
	Local secular NGOs	
	Political patrons	
	Religious welfare organisations	
Religious Authorities	Religious leaders	<ul style="list-style-type: none"> – Lead the promulgation of religious laws and edicts – Govern personal status matters including marriage, divorce and child custody – Have the sole authority to authorise custodial arrangements including adoption and Kafala
	Religious institutions	
	Religious courts	

Challenges establishing a centralised protection system

In chapter 1, which provided an overview of Lebanon's political background and welfare regime, it was found that traditionally the nation has maintained a “liberal economic system, where the role of the state is limited to formulating the legal, institutional, and infrastructural framework necessary for economic growth” (Jawad 2009b p:209). This ‘hands-off’ approach has encouraged only minimal direct state involvement in supplying public goods and services (Cammatt 2015). Due to this historic lack of a state-led social welfare, citizens have routinely turned to a wide variety of local actors to help manage lifecycle risks including non-governmental service providers as well as extended family, community and friendship networks (Cammatt 2015). It is of this thesis’ contention that the defining feature of Lebanon's child protection environment is that it *too* operates in this wider nexus between governmental and non-governmental arrangements which dominate the country's public policy environment. There is thus a plural edifice to child protection efforts in Lebanon, with a formal statutory system running parallel to a dense network of non-state service providers including INGOs, local NGOs, political patrons and faith-based organisations.

Unlike the categories of child protection system in Gilbert (1997), Gilbert et al. (2011) and Parton’s (2014) studies, which are based on empirical evidence from countries where child protection legislation has a long-established history and is rooted in a political culture where there is strong centralised provision and regulation of public services. In Lebanon, the statutory child protection system is both in its infancy and the duty for ensuring the ultimate safety and wellbeing of children is diffused among a large variety of stakeholders including the state, religious courts, civil society and community networks. Moreover, due to the country’s delicate consociational political arrangement any efforts by the state to take greater control of the protection of children are controversial; infringing on the proposed sanctity of religious self-autonomy in the country. This makes child protection in terms of a secular, state-led practice a deeply provocative subject. The national discussions surrounding child protection therefore inevitably involve discerning the correct limits of state power and communal/religious autonomy; topics which have also been at the epicentre of the country’s political instabilities.

From the current evidence it would therefore seem that the state’s legislative system often remains the external observer of communal mechanisms, as many vulnerable families and children bypass state-mandated services and opt for the help and assistance offered by local NGOs, charities and religious foundations (ISS 2006 and UNICEF 2011). Overall, this sets the Lebanese child protection system apart from the conventional classifications, which are predicated on strongly centralised statutory powers (Gilbert 1997, Gilbert et al. 2011 and Parton’s 2014). Rather, in Lebanon the reach and influence of protection laws must routinely vie with the parallel authority and command of religious authorities and responses formulated at the community level by non-governmental stakeholders.

The efficacy of Lebanon's child protection legislation

As explored, Law 422 established the first judicial procedures for dealing with the maltreatment of children and granted powers to juvenile judges and social work professionals to make protective orders for children. Yet analysis of the legislation's principles, its application in practice and impact on protecting children at risk, have only been studied a handful of times (ISS 2006, Save the Children 2011, UNICEF 2011 and CPEWG 2013). Coupled with the fact that there is also a near absence of governmental data and monitoring on statutory social service performance, the handling of cases and the efficacy of legal frameworks; at present robust analysis of the efficacy of Law 422 is missing.

Still from the available evidence, some key features have been discerned. Firstly, the protection legislation largely operates as a structure for responding to 'substantial' risk, although the specific thresholds of harm are often ambiguous and require subjective verdicts from juvenile judges. The system is therefore largely crisis-driven; set to protect children already in-danger, as opposed to being prevention-driven; identifying and assisting potentially vulnerable families (ISS 2006 and UNICEF 2011). However, evidence shows that in general the statutory system struggles to penetrate local-communities and lacks legitimacy in a context where the state is rarely seen as the rightful arbitrator of family affairs. Instead the family sphere is perceived to be an arena of private intimacy where religious mores have the appropriate authority. The cultural taboo surrounding maltreatment has also been an obstacle to the state's engagement with communities and families. This has contributed to the lack of reporting by the public of child risks to the formal child protection system and its professionals (ISS 2006 and UNICEF 2011). In addition to this, the statutory system often lacks the required authority and coercive power to act on the reports that are made, as the laws which administer the system are always in conflict with the independence attributed to Lebanon's religious courts. Overall the statutory system thus suffers various weaknesses due to its conflict with the power of religious courts, ambiguity in defining maltreatment and negative public perception.

To grapple with these issues in greater depth, there is a need for further research to explore the circumstances which led to the adoption of Lebanon's protection legislation, the reasons behind its design and how it has evolved out of the country's social, economic and political backdrop. There is also need for academic engagement with the difficult debates concerning the division of power that exists between the state and religion and how Law 422 negotiates concerns that it infringes constitutional religious autonomy. Further knowledge of these key areas, particularly from the perspective of those who are involved in the design, development and implementation of Law 422 would be highly beneficial.

In addition to the need for more investigation into the nature and development of Law 422, there is also a distinct lack of research on how the

legislation works *in practice*. In particular, little is known about the management of cases, what the typical outcomes are for children and what processes lay behind protective decision making. Other than the UNICEF (2011) study which has been widely referenced in this thesis, further research which has looked at the implementation of Law 422 in any kind of detail is not available; while reporting by state departments on outcomes are similarly absent. This means that a comprehensive picture of the impact of Law 422 on protecting children at risk is currently not possible. Little is also known about the way in which legislative principles including the child's best-interests, the protection of children from harm and caring for children's needs are realised in practice by social service professionals and juvenile judges. Further research which seeks to engage with these specific issues will help establish a better understanding of the functionality of Law 422 and the degree to which its operationalisation has meaningfully contributed towards the protection of children and their needs.

The role of communities and civil society

Another core challenge within Lebanon's child protection environment is the role of community mechanisms and civil society. As the previous section highlighted, when it comes to understanding Lebanon's child protection landscape one must be conscious of its plural structure, with a formal statutory system running parallel to a framework of non-state service providers including INGOs, local NGOs and faith-based organisations. Although these organisations are often contracted by the state to provide services, most operate independently with little government oversight. Currently the non-governmental sector delivers the bulk of services that help strengthen the socio-economic conditions of at-risk families and communities. They also often deliver targeted programmes aimed at alleviating childhood vulnerability, family dysfunction and conflict. Evidence shows that at the community-level, when maltreatment occurs, typical paths of resolution often start with the immediate family and then permeate outwards to extended family, senior community members, religious leaders and then non-governmental service providers before they reach the attention of statutory professionals (UNICEF 2011).

Currently, evidence shows that the non-governmental sector is largely unregulated in its work protecting children; with no standardised procedures for responding to maltreatment and heavy focus on family reconciliation to the detriment of protecting children from harm. Most organisations possess no internal protocol for reporting risks and no national mandatory reporting requirements are in place that NGO's have to abide by when dealing with vulnerable children. Currently the statutory system and non-governmental sector are therefore operating in parallel to one another with few measures to coordinate their activities. Having two parallel structures has caused overall fragmentation to the child protection system and a lack of standardisation in addressing child protection concerns. With lines of duty between the state, the community and civil society blurred, a centrally

organised system does not exist in Lebanon and instead children fall into various brackets of care that exist at the state and community level. This is found to have led to an inconsistency in how vulnerable children are being handled.

Currently, despite the vital role we know local-level mechanisms and organisations play, there has been scant research on how this sphere functions. More so, there is no research which has considered the cultural and religious diversity of Lebanon's population and explored how different communities distinguish child protection and what local definitions of child welfare, abuse, neglect and exploitation are in existence. By enhancing our sense of how communities acknowledge child protection, this will aid more detailed analyses of the community protection strategies that are in place – including to whom children and families primarily turn for help, the types of issues frequently handled in the community rather than through formal child protection mechanisms and how local systems assist children at risk.

There is also a need to gain a better understanding of how locally embedded NGOs, charities and faith-based organisations identify and respond to vulnerable children. What is especially missing is research which explains how these organisations define, identify and manage cases. Little is also known about the facilities, programmes and resources they offer vulnerable children, what the drivers are for their interventions and the typical outcomes. It is important that these key areas undergo further investigation as non-governmental interventions have been repeatedly highlighted as playing a pivotal function in safeguarding children; yet the degree to which these services are thought to be appropriate, effective and sustainable is still under much debate and without adequate data to inform insightful discussion. This research would also help contribute to the most central debate within Lebanon's protection system, whether child protection as a state practice can in fact be reconciled with the country's wider tradition of civil society organisation and communally-mobilised welfare mechanisms.

The separation of civil and religious law

From the review of literature on Lebanon's child protection situation, the fourth key tension that exists within the system is the separation of civil and religious law when it comes to the family. Constitutionally, the various religious courts of Lebanon have autonomous authority over all personal status matters including marriage, divorce and child custody. The introduction of national child protection legislation in 2002 therefore spurred fierce controversy and a legal dilemma, as the interference of civil courts in matters of family life was seen to cross a sacred constitutional boundary. The failure of religious authorities to recognise the civil court's authority over family affairs and the reluctance of juvenile judges to overrule religious decisions for fear of sparking further controversy, has left Law 422 with ambiguous powers. This challenge cuts right to the heart of wider debates around

state formation in Lebanon and the correct separation between state and religion. The controversy surrounding Lebanon's protection legislation has also been a critical obstacle to establishing a nationally harmonised and cohesive protection effort.

Additional academic research can help contribute to the specific issues at the heart of this discussion by shedding light on how children's needs are being met within and between civil and religious jurisdictions. To date no academic research has explored the principles which underlie decision making within the religious courts, their procedures regarding child risk and their perception of the child protection project in Lebanon. By looking in greater detail at the way civil and religious courts operate, this will allow space for analyses regarding the possibility (and indeed desirability) of better coordinating their activities. It will also provide important insight regarding the future of Lebanon's child protection system and the degree to which child protection as a state-practice can be reconciled with religious self-governance in the country. Further research on this key concern would allow a more robust assessment of Lebanon's child protection landscape and permit insight into wider debates regarding the balance of rights and responsibilities between state, community, family and religion in the country.

The needs of children requiring alternative care

The final key challenge and area for further study is alternative care in Lebanon and the over-institutionalisation of children. This is probably the most acute child welfare concern confronting the country and the protection system. As previously highlighted over 20,000 children are currently placed in children's homes throughout the country, one of the highest rates globally (MOSA 2011 and Child Frontiers 2017). Many of these children are left to the care of such homes by impoverished families or due to the social shame of single parenthood and out of wedlock pregnancies (ISS 2006 and UNICEF 2011). For children who have been removed from their original home by the protection system, juvenile judges faced with a lack of alternatives have also been forced to place children into residential care.

In line with international trends signified under the GACC, the government has committed to curbing the rates of institutionalisation in the country, however the issue of substitute care is one of the most intractable concerns within the country's child protection structure. This is because the legal frameworks for handling custody and alternative care are controlled entirely by religious courts, with each confession holding differing views on fostering and adoption. In the main, whether adoption or *kafala* is legally permitted, religious communities have not actively encouraged or facilitated alternative family-based care and the traditional use of orphanages has remained. Lebanon's child protection system therefore lacks a centralised and coordinated system for arranging family-based out-of-home placements, a key component of any a child protection system. Substitute care, in a

country where religious self-governance is so entrenched, is thus another critical concern facing Lebanon's developing protection model.

Despite the fact child abandonment and the arrangement of alternative care poses one of the greatest challenges, both topics are chronically under-researched. With regard to child abandonment, currently there is a lack of detailed reporting to explain the complex push and pull factors which encourage parents to surrender their children to the care of residential facilities. What is also lacking is research which helps explain the processes behind these children being received by children's services, be they state mandated or the myriad of non-governmental homes and orphanages. It is important therefore that further research seeks to uncover the processes behind NGOs accepting children into their residential homes, how the separation of children from their families takes place and the standards of care being provided.

What is also of critical importance is for academic studies to engage with the legislative challenges that alternative care poses to Lebanon's child protection system. Little is known about the differing procedures with regards to fostering, adoption and guardianship that exist across Lebanon's religious courts and what influences decision-making by religious judges. More information also needs to be gathered regarding the communication between the juvenile courts and religious courts and the possible avenues for these systems to work in closer tandem to locate and support the placement of children with new families.

Summary

The aim of this chapter was to provide an outline of Lebanon's child protection arrangements. This has involved looking at the core challenges and debates that have confronted the development of Lebanon's system and where further academic research is required.

Most glaringly it can be seen that Lebanon has a deeply pluralistic protection environment where beyond the state – religious institutions and a corpus of non-governmental organisations have a stake. This arrangement is reflective of the nation's wider public policy and welfare environment where non-governmental actors play a *significant* role in sustaining social welfare. It is also reflective of Lebanon's consociational political arrangements where religious communities are granted autonomy from the state over family matters. Thus, any attempts by the state to interfere in family life and children's care skirt contentious boundaries regarding religious autonomy and the appropriate role of the state. This has left a relatively new statutory system struggling to exert its full force and influence at the national level. In many cases Law 422 struggles to penetrate the strong barriers communities have raised to unwanted state interference and has left protection professionals with a tenuous authority.

The plurality of actors involved in child protection in Lebanon has also resulted in a splintered response to maltreatment, with a lack of coordination between efforts at the national and community level leading to inconsistencies in the way risk is addressed. Instead, a child's needs are framed and assisted depending on which state, civil society or religious institution/service they and their family initially come into contact with. The issue which perhaps best captures the tension around fragmented control over child protection is the management of alternative care. Currently the out-of-home placement of children traverses state and religious authorities with efforts to expand family-based alternatives frustrated by the lack of a unified and coordinated framework. Going forward, this leaves some fundamental dilemmas regarding Lebanon's child protection structure. The country is being forced to ask whether the needs of children can be adequately met when there is this lack of definitive separation in responsibility for child protection between the state, civil society and religious courts.

Although the information which is available has been beneficial in identifying overarching features and dilemmas within the system; what is now required is a more rigorous engagement with these topics. As this chapter has demonstrated, there are a myriad of different opportunities for academic research to make an original and pertinent contribution to knowledge in this field. Clearly exploring the breadth of different topics and concerns raised in this section in any sufficient detail would be beyond the scope of a single research project. Thus, it is this thesis' intention to concentrate on the *key* concerns, debates and areas of data limitation that have been highlighted.

The research as therefore focused upon the issue which is deemed to hold critical importance, namely the plural nature of Lebanon's child protection landscape and the extent to which it can appropriately meet the needs of children. Conceptually this will involve focusing on three main stakeholders; the state, civil society and religious authorities. The thrust of the study will be to explore the ability of the Lebanese state to reconcile its centralised system of child protection with the local-level power and autonomy of civil society and religious authorities. This will require gathering a more comprehensive insight into the nature and function of the statutory child protection system, the non-governmental sector and religious courts when it comes to children at-risk. More specifically this study will focus on the system's response to maltreatment *within* the family, as this the main scope of the legislation as opposed to the occurrence of extra-familial maltreatment. Additionally, this study will aim to unearth the way these three spheres interact and how the needs of children are being met within and between these spaces. Most vitally, this study holds a desire to move beyond the descriptive research which has been conducted thus far and instead engage critically with the barriers and opportunities to ensuring that, as an overall framework - the state, civil society and religious courts meet the needs of vulnerable children. This thesis will therefore make not only an important contribution to the general dearth of research and perspectives on child protection in Lebanon and the MENA region. It will also specifically contribute to our improved

understanding of the developing child protection model in Lebanon, the key challenges the system faces going forward to meet the needs of children at risk and where child protection sits within wider debates regarding the role and purpose of the state. This resolve is expressed in the research question and objectives below;

Research Question

To what extent can Lebanon reconcile child protection with the country's wider tradition of civil society organisation and religious authority?

Objectives –

- To explore the model of child protection that has developed over the last 20 years
- To examine how the statutory child protection system interacts with civil society to address children at risk
- To investigate to what extent the model has reconciled the ideological and practical implications of religious power-sharing in Lebanon
- To investigate the implications for children at risk

Chapter 4. Research Methods

Introduction

This chapter will outline the methods chosen to address the research question and objectives above. This will include detailing the ontological and epistemological orientation of the study, the sampling strategy deployed, the methods for data collection, analysis and the various ethical concerns that arose. This section will also provide an account of the rationale behind these methodological choices and the limitations of the research design.

Ontology

It is firstly necessary to outline the study's methodological underpinnings, starting with its ontological position. Ontology is one of the eldest branches of philosophical deliberation and is concerned with the nature of being and reality. Within this field a central debate remains unsolved; does the world we encounter have an objective, external reality to us? Or does our very rendering of the world mean we are only capable of experiencing deeply individual realities? The way a study perceives this question has implications for the meaning generated from its data. Within the social sciences there are two broad ontological positions; realism and social constructionism.

From a realist perspective, one is accepting a world and the things in the world existing independently from our consciousness (Crotty 1998). In other words, one is committed to the existence of a world without a mind to conceive it. This means that the external reality we *do* perceive through our senses possess stable and consistent properties that would endure without the existence of humans to identify them. The natural sciences are committed to the presence of this consistent exterior reality and holds that one can observe reliable instances of cause and effect occurring within it. Of course, the subject matter of the social sciences; people, organisations and cultures differ considerably from the traditional sciences. Nevertheless, from a realist perspective social phenomenon can also be observed as possessing reality and meaning that is independent or separate from social actors (Bryman 2012). This is because something like an organisation possesses regular procedures and an internal order to which people adhere, thus we can discuss the organisation as having a certain tangible reality of its own, it "has the characteristics of an object and hence of having an objective reality" (Bryman 2012 p:33).

From the opposing social constructionist position, which this study situates itself within, we are instead cautioned "to be ever suspicious of our assumptions about how the world appears to be" (Burr 2003 p:3). The fundamental tenet here is that there is no reliable, objective reality which exists *independently* from thinking;

reality instead exists in the mind (Grbich 2007). Because reality is so exclusively instituted upon thought, its nature is thus far more fluid and open to interpretation. This means that the way we come to understand and experience the world is heavily influenced by “our specific cultural and social frames of reference” (King and Horrocks 2010 p:9). In this respect social constructionism observes social interaction as being a pivotal process in the way we build the categories to see and understand our reality. Society is not therefore viewed as a “pre-existing, real entity with objects and structures but rather is the product of people engaging with one another” (King and Horrocks 2010 p:9). The social scientist under this philosophical gaze is therefore compelled to “consider the ways in which social reality is an ongoing accomplishment of social actors rather than something external to them and which totally constrains them” (Bryman 2012 p:34).

Applied to the research question at hand, this means the thesis presented did not observe social categories, institutions or organisations as having a straightforward reality that could be wholly separated from the individuals involved. Instead, the following study viewed organisations as sites where professionals, citizens, families, children and other individuals brought their subjective values and expectations to help construct the collective complexion of an organisation. In making this assertion, it is not to say that things like rules, regulations and official titles were seen to have *no* element of constraint on people’s behaviour (Bryman 2012). Instead under a social constructionist paradigm one remained mindful that such formal properties were only brought into being through everyday interaction and were thus not necessarily rigid, but malleable.

Epistemology

The second major element to the study’s methodological foundation is its epistemological position. Epistemology is the philosophical concern with how we appropriately extract knowledge about the world and where the limits of truth exist. Influenced in large part by ontological considerations, again there are seen to be two broad traditions; positivism and interpretivism.

Positivism as a mode of inquiry emerged during enlightenment and is founded on the conviction that the pursuit of truth is achieved “through the application of reason and rationality” (Burr 2003 p:10). Ontologically, positivism is aligned with a realist perspective which holds that there is an identifiable reality which exists externally to humans - a reality that researchers can directly observe and reliably measure (Denzin and Lincoln 2005). To discern knowledge about this world positivism favours a “careful processes of hypothesising, variable identification and measurement within experimental designs” (Grbich 2007 p:4). Within the social sciences, a positivist rubric holds that human behaviour is *also* reducible to variables that can be measured and subject to statistical analysis; producing generalizable facts about a population under study (King and Horrocks 2010). The role of the social

scientist is thus to conduct research in a strictly objective and unbiased manner, maintaining an impartial distance during the collection and analysis of data. This, positivists argue, allows the social sciences to produce knowledge which can easily distinguish facts from value judgements and thus over time, through the accumulation of statistical evidence, can “develop general laws or principles to explain social phenomena” (King and Horrocks 2010 p:12).

Interpretivism adopts a wholly opposing stance. Where positivism is concerned with detached observation and the identification of generalisable facts, interpretivism to the contrary looks to “culturally derived and historically situated interpretations of the social life-world” (Crotty 1998 p:67). Coming from a constructionist ontological vantage point, interpretivism holds that people forge their own appreciation of reality and attribute a meaning to this reality through interaction with their environment. Influenced by the work of the eminent sociologist Max Weber, the interpretivist position perceives the social sciences as having a *verstehen* role to play in generating knowledge, where the focus is placed on trying to *understand* human behaviour in its subjective, individual context (Weber 1949 and Crotty 1998). According to Weber, social sciences should “consider the individual and his actions as the basic unit, as its atom” (Weber 1949 p:55). This is because unlike the natural world which has no meaning to the molecules, atoms and electrons under study, the “observational field of the social scientist – social reality – has a specific meaning and relevance structure for the beings living, acting and thinking within it” (Schutz 1962 p:59). It is thus vital that the researcher attempts to gain privileged access to people’s sense of thinking within this reality and begin “to interpret their actions and their social world from their point of view” (Bryman 2012 p:30). In this sense ‘truth’ and validity in the research process are not seen to accrue with large representative samples and generalisable findings, but in research which isolates individual social phenomena and tries to provide a detailed and rich account of it from the perspective of those involved (Crotty 1998).

This study situated itself within this interpretivist position. Consequently, it opted to apply qualitative methods to generate its data. The central aim of qualitative research, in line with interpretivism, is to “explore the phenomenon in question by focusing on the individuals who experience it” (Ryan *et al.* 2007 p:738). It is a method concerned with “experiences, feelings and attitudes, as opposed to precise measurement and statistical analysis” (Ryan *et al.* 2007 p:738). Working within this qualitative approach the study attempted to produce a ‘thick description’ of the child protection field in Lebanon by harvesting “detailed, contextually sensitive findings” (Henwood 1996 p:27). As will be explored, this involved gathering thoughts and opinions from a wide range of key figures from the state, civil society and religious spheres, observing the values, beliefs and motivations which drove individuals’ actions and gaining a deeper understanding of the protection field from *their* perspective. The study focused on understanding how these actors interpret the practice of protecting children, how they view the issues surrounding the child protection system, how their actions are seen to address children’s needs and their

experiences working with vulnerable families. By conducting this qualitative investigation, the aim has been to delineate a rich account of the people involved in delivering protective services, provide a more detailed portrayal of the protection landscape and in the process unearth a better understanding of how going forward, child protection (as an action and intention) can be negotiated between the key stakeholders involved.

Research Methods

Having outlined ontological and epistemological positions, this section will now go on to discuss the specific research methods used to collect and analyse the data. This will begin by looking at the sampling strategy to be applied.

Sampling Method

Conceptually, a key component of the project as expressed through the research question and objectives was to explore the dynamics of child protection responses within and between governmental, civil society and religious spheres. To capture the features of these conceptual domains the sampling strategy needed to identify key organisations and figures operating within these spaces. Based on existing literature which has identified key stakeholders in child welfare and protective decision-making in Lebanon, the following table was devised to guide sampling before arriving in the field. It represents the intended sample before fieldwork commenced;

Table 4 Intended Sample

	Structure	Organisations	Individuals	Quantity of Participants
Statutory Sector	Civil courts	- Juvenile courts	Juvenile Judges	2
	Social Services	- Social Work teams	Social Workers	4
	Government Contracted Children's Services	- Children's homes - Family support centres	Managers and practitioners	6
	Subtotal			12

Table 4 Intended Sample (continued)

	Structure	Organisations	Individuals	Quantity of Participants
Non-Statutory Sector	Religious Courts	<ul style="list-style-type: none"> - Sunni Court of Law - Shia Court of Law - Christian Court of Law - Druze Court of Law 	Judges and Representatives	8
	Faith-Based Organisations	<ul style="list-style-type: none"> - Relief and aid charities - Children's homes - Child and Family welfare services 	Managers and practitioners from organisations linked to the main religious denominations	12
	Local Non-Governmental Organisations	<ul style="list-style-type: none"> - Local relief and aid organisations - Child and Family welfare services - Children's homes 	Managers, members and practitioners	10
	Subtotal			30
Total				42

The strategy for recruiting the intended participants used what is termed a purposive logic and snowballing technique. Under a purposive logic, the goal “is to sample cases/participants in a strategic way, so that those sampled are relevant to the research questions being posed” (Bryman 2012 p:418). This means “participants are recruited because of their exposure to or their experience of the phenomenon in question” (Ryan et al. 2007 p:741). Unlike probability sampling used in quantitative research, the aim is not necessarily to gather a precisely representative sample of the population under study but does encourage researchers “to ensure they gain access to as wide a range of individuals relevant to their research question as possible, so that many different perspectives and ranges of activity are the focus of attention” (Bryman 2012 p:416). For this study, this involved gathering participants from the conceptual spheres of the state, civil society and religious authority. As established from the literature review these arenas are all highly involved in child protection issues and responsive services. In terms of defining these spheres for the purpose of sampling, the study was aware their interconnectedness in the socio-political

environment of Lebanon made clear demarcations problematic. Nevertheless, for this study, the following definitions were applied.

Firstly, the state sphere was defined as including concerned ministries, the juvenile courts, social workers and organisations contracted by the government to provide residential homes for children. These related institutions form the corpus of the statutory child protection system in Lebanon, which falls under the auspices of the state.

Civil society was identified as comprising organisations, foundations and institutions that fell outside the core of the statutory system and held a degree of independence from the government. Of course, as is common in Lebanon, some of these organisations do receive funding or support from the government and are affiliated to political parties or movements in office. The more important distinction is that they are not an *official* component of the statutory child protection system. This therefore included large international NGOs, Faith based organisations and foundations as well as local, secular NGOs. Specific organisations were selected based on their activities; focusing on organisation that run services detecting at-risk children, supporting vulnerable families, raising awareness about protection concerns in communities, advocating for children's protective rights and providing rehabilitative care to mistreated children.

Finally, religious authorities were defined as encompassing the personnel at religious courts which preside over personal status laws and family justice. To gain the wide-ranging perspectives required, the sample needed to also incorporate the religious diversity of Lebanon. Trying to include all 18 officially recognised denominations was deemed impractical given time and financial constraints. Instead the study aimed to include views from religious courts belonging to the Sunni, Shia, Maronite Christian and Druze denominations which dominate in terms of numbers and respective power and influence within the country.

Geographically, the majority of the sampling took place in Beirut, Lebanon's capital city. The reason for basing the fieldwork here was that to make contact with figures from the statutory sector, Beirut represents the hub of government activity and the place where public courts, social workers and other important government contracted children's services are situated. It was also a location that housed the main offices of international NGOs, prominent local NGOs and other FBOs. This meant it was possible to contact a large variety of key civil society figures and organisations. It was also the location where the main religious courts were located. On practical grounds Beirut was thus an ideal locale as it was possible to access all the key informants, while also allowing the researcher to be situated in one site, saving the time and money that would normally be involved in traveling to multiple fieldwork locations. However, some organisation and personnel which will remain anonymous for confidentiality purposes did require travel, thus some of the organisations and individuals interviewed were situated in Saida, Jounieh, Tyre and Tripoli. It must be acknowledged that concentrating the research in one location

could damage the generalisability of the findings, however more importantly key figures and organisations in each sector were consulted which was the main aim of the sample.

Having outlined the purposive logic which lay behind the sampling approach and the geographic locations, next we will explore the snowballing technique used to recruit participants. Snowball sampling is a method whereby “the researcher samples a small group of people relevant to the research question, and these sampled participants then propose other participants who have had the same experience or have characteristics relevant to the research” (Bryman 2012 p:428). This technique was applied at two levels. At the first level it was used to gain the initial details of potential organisations, associations and key individuals from each sector. Here the researcher utilised connections that the study’s second supervisor had with various governmental and non-governmental entities operating in Beirut. This provided initial points of contact from which participants were then able to suggest other relevant organisations and individuals who may be interested in taking part in the study. On the whole this technique was an effective method, it utilised local knowledge and expertise to gain access to important informants from within the three spheres. Working on recommendations from other organisations and individuals also helped with breaking down barriers of trust that certain organisations and personnel initially held in speaking to a social researcher.

At the second level, a snowballing method was used to gather participants from *within* the Ministries, courts, organisations and foundations that were identified. This involved initially distributing an information sheet (either via email or in person) to managerial staff to outline the purpose of the study and seek their interest in taking part. Once senior figures gave permission for their organisation to be included in the study, they were then asked to suggest members of staff with the experience or expertise to discuss their child protection practices. This was an effective method and helped the study to recruit both managerial staff and practitioners within most organisations. This allowed the study to speak with those that held a responsibility for designing and evaluating programmes that respond to children at risk as well as those who work with vulnerable children and families on a day to day basis. It also helped within the religious courts to speak both with senior judges as well as staff that support families and court social workers that assess children’s living arrangements. The table below details the final sample gathered. Where necessary the specific names of organisations and personnel have been provided pseudonyms.

Table 5 Collected Sample

Sphere	Type of organisation	Personnel interviewed	Quantity of participants
State	Ministry of Social Affairs	Child Protection Coordinator	1
		Ministry Social Worker	2
	Juvenile court	Juvenile Judge	1
		Former President of Juvenile Court	1
	Contracted social work agency	President of Agency	1
		Social Worker	5
	Contracted residential home	Contracted Residential Home 1	
		Manager	1
		Social Worker	2
		Contracted Residential Home 2	
		Manager	1
		Social Worker	1
		Contracted Residential Home 3	
		Founder	1
	Manager	1	
Social worker	3		
Sub-total			21
Civil society	International NGO	International NGO 1	
		Manager	1
		Child Protection Adviser	1
		Case Manager	1
		International NGO 2	
		Child Protection Officer	1
		SOP design contributor	1
	International NGO 3		
	Child Protection Officer	1	
	Lebanese NGO	Lebanese NGO 1	
		Case Manager	1
		Lebanese NGO 2	
		Case Manager	1
		Lebanese NGO 3	
		Manager	1
		Legal Expert	1
		Lebanese NGO 4	
		Case Manager	1
Lebanese NGO 5			
Case Manager		1	
Lebanese NGO 6			
Founder	1		
Psychologist	1		
Lebanese NGO 7			
President	1		

	Faith-Based Organisation	Faith-Based Organisation 1	
		Bishop	1
		Staff	1
		Social Worker	1
		Faith-Based Organisation 2	
		Social Worker	2
		Teacher	1
		Carer for Children	1
		Faith-Based Organisation 3	
Founder	1		
Sub-total			23
Religious authority	Maronite court	Judge	1
		Family Reconciliation Officer	1
		Social worker	1
	Sunni court	Judge/Sheikh	2
	Jaafari court	Judge/Sheikh	1
	Druze court	Judge/Sheikh	1
	Sub-total		
Independent professionals	Academic and Campaigner for adoptees rights		1
	Child Protection Expert/Academic/Senior Adviser on recent CP reforms		1
	Family Affairs Lawyer		1
	Sub-total		
Total			54

The sample above does not claim to precisely represent the population in question. Furthermore, because the sampling strategy relied on a degree of opportunism whereby organisations and individuals were selected due to a shared criterion and then their ability to participate dictated their inclusion in the sample, it could be certain biases in terms of who was willing or capable of participating occurred. This harms the generalizability of the findings. However, given the interpretivist orientation of the study, the aim of the research was not to gather statistically representative data, but contextually rich responses from individuals across the child protection field. To this end the purposive sampling strategy was successful in gaining a wide range of perspectives and activities relevant to addressing the research question and objectives (Ryan et al. 2007). It provides insights from all the main conceptual domains including the state, civil society and religious spheres and includes those that head child protection operations, influence policy making and work with children and families on a day to day basis. As the study progressed, it became clear specific individuals that were involved in recent reforms to child protection standards were going to be key informants. The study's sampling strategy allowed flexibility to pursue these participants successfully. Compared with the planned sample; the actual sample includes most of the intended participants

and is believed to represent a robust cross-section of the child protection environment in Lebanon.

Data Collection

This section will now discuss the methods used to gather data from the recruited sample. The first decision taken prior to fieldwork was to use semi-structured interviews. The semi-structured style, like most interview techniques, is carried out using an interview schedule with a list of core questions (see appendix A). However, it also gives interviewers liberty to change the order of these questions and ask additional questions. Because the study sought to include a wide range of participants working in various protection settings, the interview schedule needed to be versatile and adaptive. Beyond the particular queries about organisational and professional practices and experiences; the schedule concentrated on the major developments in child protection over the last 20 years, most centrally the introduction of Law 422 and the operationalisation of a protection system. This grounded the schedule in the research question and objectives of the study.

Its overall design involved initially drafting a schedule with the assistance of this study's supervisor and then piloting interviews and gaining feedback on the draft schedule's efficacy. This allowed the study to slowly cultivate an operational set of questions. A total of three pilot interviews were carried out with participants from each of the state, civil society and religious spheres; these were not included in the final data-set. From this process it was apparent some supplementary questions needed to be asked that were specific to the organisation and professional being interviewed and the sector they worked within, these are detailed in appendix B. It was also apparent as fieldwork continued that some specific questions regarding recent policy initiatives and reforms would also need to be added for interviews with certain key figures involved in their design and implementation, again these can be seen in appendix B. Because interviews were only partially structured, participants also had latitude to direct discussions towards what was significant and important to *them*, benefiting the interpretivist aims of the study. This method was selected given the diversity of the sample, as it meant the researcher could prioritise certain questions and change the focus of discussions according to the knowledge and background of participants.

It must be acknowledged that this flexibility decreased the reliability of interviews, as each differed in terms of emphasis and some questions in the schedule were specific to participants and the sector they worked within. In general, the semi-structured interview is not therefore an effective method for drawing consistent results. However, its ability to draw rich and illuminative material from participants was invaluable considering the interpretivist purpose of the study and thus the overall benefits of the procedure vastly outweighed the limitations. Furthermore, the advent of a central interview schedule with a set of core questions ensured all

interviews held a degree of consistency and remained anchored within the research question and objectives.

An obstacle that had to be considered when conducting interviews was the language barrier that existed between me the researcher and participants. Lebanon is a tri-lingual country, with Arabic the first language and many people speaking French or English as a second or third language. However, prior to fieldwork commencing it was anticipated that some interviews would need to be conducted in Arabic and that substantial communication barriers could exist if participants were not able to respond to questions in their first language. Furthermore, a basic level of Arabic was necessary to establish trust and rapport with potential participants and to gather interest from organisations to take part in the study.

As such, in preparation I studied colloquial Lebanese Arabic intensively for 14 weeks in Beirut before the process of gaining a sample and collecting data began. The skills acquired were invaluable to navigating the field and helping to establish connections, but they were insufficient for conducting interviews. Thus, a trained and experienced simultaneous translator was employed to help conduct interviews. This translator was briefed on the aims and objectives of the study and helped throughout the entirety of the project. An initial pilot interview was conducted to test the dynamics of using an interpreter and develop a scheme that allowed greater flow in conversations, this interview was not included in the final data-set. Following this pilot, the decision was made to not simultaneously translate conversations, but for the translator to listen to responses from the interviewee, keep notes, then translate answers when participants had finished talking. After interviews finished, the translator went back through the recordings of interviews to ensure no information had been missed. Having devised the strategy for translation, when potential recruits were approached they were told they could choose to conduct the interview in English or Arabic. Most interviews were conducted in English, the translator present only to help clarify certain terms and resolve any confusions. However, the interviews at the religious courts and at two of the faith-based organisations were conducted entirely in Arabic with the translator interpreting all questions and answers. Certainly, this impacted the quality of interviews as nuances in people's responses were lost in translation, it created barriers to rapport with interviewees and translation pauses harmed conversational flow. However, the robust measures taken to prepare the interpretive process and the fact the same translator assisted throughout the project meant translations were conducted with as little disruption as possible.

To record the interviews a visible digital Dictaphone was used. Recording interviews gave a permanent record of discussions and freed the task of writing notes which was valuable considering fruitful semi-structured interviews requires a large degree of concentration on the part of the interviewer. There were of course inevitable drawbacks to recording interviews in this way. The most central is that the use of a recorder in social research can unsettle respondents, who become "self-

conscious or alarmed at the prospect of their words being recorded” (Bryman 2012 p:483). This highlighted the importance of establishing trusting contact with interviewees to make them feel comfortable discussing topics while being recorded. As will be explored, to further assuage concerns, organisations and personnel were repeatedly explained how recordings would be used and the confidentiality procedures for the study.

In addition to recording interviews, contents were also transcribed. Because the focus of the study was not on the minutia of communicative exchanges but instead the broader content of participants’ responses; pauses and other non-verbal cues were omitted (Flick 2014). The interviews conducted in Arabic were transcribed with the assistance of the project’s translator. Of course, this posed certain problems regarding the reliability of the data as translations had to be made accurately, ensuring meaning was not lost in the process. To mitigate these concerns the translator was chosen because of their wealth of experience interpreting and transcribing audio material for academic studies and journalistic pieces, meaning the project trusted the quality of their interpretation. If any element of interviewees’ responses needed further clarification, then the participant in question was contacted. Thus, to the farthest extent possible actions were taken to preserve reliability in the transcription process.

Data Analysis

Having outlined how this study collected and recorded interviews, this section will examine the technique used to analyse the data. Before fieldwork commenced, this study decided to employ an iteration of thematic analysis developed by Braun and Clarke (2006) to analyse the collected data. Within the methodological literature, thematic analysis is seen as a versatile technique (Boyatzis 1998). Unlike other analytic means such as discourse analysis, its procedures are not bound to a specific theoretical outlook. Instead, it is a technique that can be freely applied “across a range of theoretical and epistemological approaches” (Braun and Clarke 2006 p:78). The driving motivation, whichever theoretical guise it is applied under, is to establish ‘themes’ which can be defined as “recurrent and distinctive features of participants’ accounts, characterising particular perceptions and/or experiences, which the researcher sees as relevant to the research question” (King and Horrocks 2010 p:150). These themes, or patterns, found in the qualitative information at a minimum help to describe and organise the possible observations and at a maximum look to interpret “underlying aspects of the data under observation” (Boyatzis 1998 p:16).

Since thematic analysis is not a uniform procedure; it is necessary to describe the Braun and Clarke (2006) variant applied and how it fit within the studies overall methodological framework. Braun and Clarke’s (2006) variation of thematic analysis can be implemented either deductively or inductively. Deductively, analysis is “driven by the researcher’s theoretical or analytic interest in the area and is thus more

explicitly analyst driven” (Braun and Clarke 2006 p:84). This ‘top-down’ approach often involves the researcher fitting the data into “a pre-existing coding frame or the researcher’s analytic preconceptions” (Braun and Clarke 2006 p:83). On the other hand, an inductive analysis, which this thesis conducted, means “themes identified are strongly linked to the data itself” (Braun and Clarke 2006 p:83). In this ‘bottom up’ approach, what is uncovered through analysis aims to be highly data-driven, meaning the researcher avoids observing the interviewees’ accounts through preconceived conceptual frames. However, this does not imply that the themes just passively ‘emerge’ after objective appraisal of the interviews. As this thesis held a constructionist perspective, one had to remain mindful that the researcher always plays an active role “in identifying patterns/themes, selecting which are of interest, and reporting them to the readers” (Braun and Clarke 2006 p:80). Nonetheless what an inductive approach *does* entail is wedding one’s interpretation of concepts and patterns contained within the data as closely as possible to the interviewees’ own views and experiences.

This makes thematic analysis a prudent technique to be incorporated within an interpretivist methodological framework as it is “intrinsically well placed to ensure high validity because of the way it grounds its development of concepts in close detailed attention to the data” (King and Horrocks 2010 p:160). Hence the analysis consciously remains anchored within participants own thoughts and descriptions of the topic at hand. When applied to this study analysis focused on delineating interviewees’ accounts of child protection, the policies driving the sector, how they viewed their role in assisting children at risk and their thoughts on the dynamics of the field. It uncovered interesting undercurrents in the way participants from diverse spheres of Lebanon's child protection landscape viewed and interpreted their activities and the meaning they imparted to child protection; addressing core elements of the research question and aims. It was therefore deemed a beneficial method given the interpretivist aims of the study, which sought to observe the values and motivations which drove individuals’ and organisation’s actions and gain a deeper understanding of the protection field from the perspective of those involved. The choice to adopt Braun and Clarkes (2006) specific version of the analysis was made because after reviewing the methodological literature it offered the most comprehensive account of the technique.

However, as with any analytical approach, there are inherent limitations. The main criticism directed at thematic analysis is that its reliance on the interpretation of data by the researcher limits the reliability of its findings. This is because the subjective, individual analysis of qualitative data leaves the opportunity for researchers to project their own emotions, values or attitudes regarding the subject onto the information collected (Boyatzis 1998). To mitigate these concerns the study maintained close proximity to the raw data when developing themes and used an explicit and consistent coding practice. Participants were also contacted after interviews were conducted and transcribed and asked for their views on the initial ideas generated about their data. This improved the validity of the analysis as

interviewees were able to verify their thoughts, feelings and experiences had been reflected faithfully in the analysis. However, within a social constructionist paradigm, the notion of personal neutrality in the analytical process is seen as unachievable since “each of us, of necessity, must encounter the world from some perspective” (Burr 2003 p:15). Thus, rather than attending to an unobtainable goal of objectivity throughout the study, the researcher embraced the subjective process of researching. This involved constant reflection on the development of the study from the collection of the data during interviews, to its analysis and final presentation. To facilitate this reflexive process the researcher kept a research diary which offered space to consider the impact the fieldwork was having, how ideas about the data were developing and the shape the research was taking. Keeping this separate record of the experience of researching and living in the field allowed one to reflect during the analytic stage on how thoughts and concepts had come to fruition; further mitigating reliability concerns.

In terms of the specific steps taken to complete the inductive thematic analysis, this study followed Braun and Clarke’s (2006) six analytic phases, which will now be explored in turn. The first phase simply involved immersing oneself in the data to the extent that I became familiar with the depth and breadth of the material (Braun and Clarke 2006). This required repeatedly reading interview manuscripts “in an *active* way – searching for meanings, patterns and so on” (Braun and Clarke 2006 p:87). During this reading, initial thoughts and ideas about the data were recorded for later reference. This opening stage concluded at the point where material had been thoroughly appraised and an initial list of ideas about what is in the data and what was interesting about it had been formed (Braun and Clarke 2006).

The second phase involved generating initial codes. The aim of an effective coding procedure is to “work systematically through the entire data set, giving full and *equal* attention to each data item, and identifying interesting aspects in the data items that may form the basis of repeated patterns (themes) across the data set” (Braun and Clarke 2006 p:88). At this stage the codes generated remained close to the raw data and were used mainly to distil the large amount of information within transcripts into a more manageable set of codes that signposted important elements. To help manage this process effectively the analytic software NVivo was used. This helped to organise the established codes and simplified the analytic method.

The third phase involved the search for themes and commenced once all the data had been coded. It required organising generated codes into potential themes by analysing their content and considering how different codes combined to form themes (Braun and Clarke 2006). This phase entailed a greater interpretive emphasis searching for repetition *across* the data, distinct features *within* and *between* interviews, locating key words, meanings, perceptions, or experiences and reflecting upon how these related to create broader meaning with regards to the research question and objectives. Of particular importance was to compare and contrast thoughts and ideas between participants from the three spheres of the state, civil

society and religious authority. Together this developed nineteen initial sub-themes which highlighted features within the data-set that could then be fed into larger, overarching and more complex themes. Given the focus of the study, sub-themes comprised thoughts and impressions on child protection, its meaning and the values which underlie it as a practice as well as more technical content, such as description of recent policy reforms, legal procedures and the coordination of the field. By the end of this phase, the study had compiled a collection of sub-themes and using NVivo had collated corresponding interview extracts that related to them (Braun and Clarke 2006).

The fourth phase involved a review of the initial themes established. The aim was to refine these early sub-themes to ensure they captured the essence of the data in a sharper and more concise manner (Braun and Clarke 2006). During this reviewing process it became clear that some of the sub-themes developed contained insufficient data to support them, or their meaning overlapped too closely with other themes, or the data within a theme was too diverse to be grouped under one title. Sub-themes were thus refined and then combined with others to bring about more expansive and encompassing thematic patterns. Adjustments and clarifications were repeatedly made until as advised by Braun and Clarke(2006) refinements no longer added anything substantial and one was left with “a fairly good idea of what different themes are, how they fit together and the overall story they tell about the data” (2006 p:92). This resulted in the establishment of the eleven final over-arching themes.

The penultimate phase in line with Braun and Clarke’s (2006) suggestions was titling the themes. This involved “identifying the ‘essence’ of what each theme was about (as well as the themes overall) and determining what aspects of the data each theme captures” (Braun and Clarke 2006 p:92). Here it was important to ensure that the themes established did not just paraphrase the content of the interviews; they needed an interpretive emphasis which shed light upon what was of interest in the data and made a convincing case as to why the themes identified concern the research question involved. The eleven over-arching themes established meet these criteria, shedding light on important recent reforms to the field as well as offering insight into the way the state, civil society and religious sphere operate, how they frame child protection concerns and the changing aspects in their interaction with one another to address maltreatment (see appendix C).

The final phase identified by Braun and Clarke (2006) is the ‘producing of the report’. Here the final write up of the analysis should “provide a concise, coherent, logical, non-repetitive and interesting account of the story the data tells – within and across themes” (Braun and Clarke 2006 p:93). To better facilitate this aim, the eleven themes established were further categorised under four principal findings, these highlight the core features of the themes presented, their relationship to one another and their significance to the research question and objectives (see appendix D). During the presentation of findings in the chapter to follow, this thesis has also

included extracts from interviews to provide evidence of the themes (Braun and Clarke 2006). On completion of this phase the thematic analysis concluded.

Ethical considerations

This section will now move on to consider the ethical considerations that arose in conducting this study. In accordance with University of Bath guidelines, this thesis applied for ethical approval from the Department for Social and Policy Sciences at the University of Bath and subsequently received ethical approval from the associated Departmental Research Ethics Officer on the 30/08/2016 (see appendix E). To abide by the strict standards set by the University, one had to consider four distinct principles regarding the ethical conduct of the study including; the avoidance of deception, the potential risk of harm to participants, obtaining consent and finally, maintaining privacy and confidentiality. Each will now be explored in turn.

Deception

With regards to avoiding deception in the research process, the first area of concern was accurately presenting the purpose of the research to potential participants. In this regard the study opted to devise an information sheet, made available in both English and Arabic, which was distributed to potential participants (see appendix F). This sheet firstly introduced myself as the researcher, outlined the University the study was associated with and described my general interest in child protection. It then summarised the purpose of the study by detailing the research question and objectives as well as outlining the project's contribution to existing knowledge. Finally it provided an overview of what would be expected from participants, including a description of time commitments and the areas for discussion. This information sheet was distributed to potential participants either in person or digitally through an attached email.

Another consideration regarding deception is the potential problems that arise from presenting oneself as the researcher. Although there were no serious concerns in this respect, one consideration was the fact that I was still an inexperienced researcher which may have made potential organisations apprehensive to take part in the study. This was unavoidable but mitigated by ensuring that I conducted myself in a professional manner and that all research material distributed was of a high-standard. There were also cultural barriers to consider, including the fact I did not speak Arabic and could be perceived as a foreigner or 'outsider' to Lebanon and its child protection concerns. This may have made people wary of the intentions and motivations behind the study. The researcher's Lebanese heritage, including an identifiable last name, made these considerations even more complex. Additionally, the lack of language skills were also seen as problematic to networking within the field and communicating the purpose

of the research effectively. Together these issues could have harmed sample recruitment and caused obstacles to accessing certain domains. Before fieldwork started, presenting myself was thus a concern, however, the use of an interpreter to explain clearly in Arabic my family background, the intentions of the study and its contribution to child protection meant these concerns were overcome effectively once fieldwork began. Studying Arabic also meant that I could have basic conversations when meeting potential participants, helping establish connections and trust with people and organisations.

Potential Harm

The second facet of the study that needed consideration was the potential harm the research may cause to participants. The nature of the study meant it was unlikely to cause individuals any *adverse* damage however before fieldwork began a thorough plan was set in place to avoid potential risks. Firstly, because the study aimed to discuss interviewees' professional roles and experiences this presented the risk that interviewees may recall uncomfortable or upsetting events. There was also the concern interviewees may divulge sensitive information, for example making strong allegations against the organisation they worked for. This could jeopardize a participant's career and cause considerable damage to an organisation's reputation. Finally, participants identifying vulnerable children or families during interviews was a potential risk that needed attention.

To mitigate these concerns, it was stressed at the beginning of all interviews that participants should only discuss issues they were comfortable revealing information about and that if at any point they wanted the interview to be stopped, it would be. This information was delivered through the information sheet and consent form and to ensure these procedures were fully understood the interpreter repeated them verbally in Arabic before discussions began. The interview schedule was also reviewed in full by the study's main supervisors to confirm the questions were appropriate. Complete avoidance of these potential risks was impossible; the researcher therefore gathered informed consent from all respondents (see appendix G). The consent form distributed to participants warned them of the possible dangers in taking part in the interviews. Respondents were also briefed that if they wanted to withdraw consent at any stage, this will be adhered to fully and data collected would be destroyed.

This study also had to consider the potential danger posed to me the researcher by conducting the study. An aspect of the fieldwork that needed careful reflection was the fact that many of the interviews had to be carried out in locations convenient to interviewees. This involved entering a variety of different environments including the premises of centres that aid vulnerable children, religious institutions, people's homes, community centres and government buildings and offices. It was unlikely such environments put me at any heightened risk, but it was

an aspect of the research that needed attention. As such, where possible interviews were conducted in public spaces, when this was not possible I informed my supervisor which days I was going to conduct interviews and when they would be completed.

Consent

As previously mentioned, because there were some inherent risks to participants involvement in the study it was necessary to obtain informed consent. This began by firstly seeking permission from organisations to allow their staff and representatives to be involved in the research. This entailed contacting senior figures and discussing the aims and purpose of the research either in person or via email as well as supplying the information sheet. Once permission had been granted from managers, I then gained individual consent from all the people who took part. This involved distributing to the interviewees an information sheet and consent form, which communicated who I was, the purpose of the study, the potential risks involved in taking part in the study and how these would be mitigated. Interviewees were then asked to sign and date these consent forms so that a physical record was kept of their agreement to take part. The study's lead supervisor reviewed the contents of the information sheet and consent form to ensure they met the minimum standard requirements before they were distributed. Once again, respondents were briefed that if they wanted to withdraw consent at any stage, this would be adhered to fully and data collected would be destroyed.

Anonymity and Confidentiality

The issue of anonymity and confidentiality was an important consideration before carrying out the study. It was expected that gaining willing participants would be difficult unless anonymity could be assured as there was the risk findings could damage the reputation of people or organisations. As such, participants were told that details about organisations' activities in terms of the services they deliver, the role they play in child protection and the demographics of those they help would be included in the thesis. But the specific names of organisations or any information that explicitly discloses a person's identity has been anonymised through the application of pseudonyms and the omission of certain data. In terms of the identity of individual respondents, at the point of transcription all were assigned pseudonyms which have been used throughout the process of analysis and the presentation of findings. These procedures were explained to interviewees in full via the information sheet and consent form.

There was also a risk that interviewees would discuss specific examples of working with vulnerable families and children that potentially disclosed their identity. All interviewees were thus warned before interviews began not to use the real names of any individuals when talking about their views and experiences of

working in child protection. During transcription, again, any information that could potentially identify people has been omitted.

As the study used recorded interview data, one had to also consider matters of anonymity and confidentiality regarding the safe keeping of information. Thus, all interviews were recorded using a digital Dictaphone which was then kept in a locked draw at my place of residence. The audio data which contained the interviews was kept *on* the Dictaphone and was not transferred to any computer. This audio data was then transcribed verbatim and the transcribed interviews were stored on my personal computer until submission of the thesis, after which, the audio recordings on the Dictaphone will be deleted. All of the aforementioned processes for anonymity and handling data were explained to participants in full via the information sheet, consent form and again in person prior to interviews commencing. It was not possible to entirely guarantee the safeguarding of identities; therefore an additional element of informed consent involved explaining to participants the potential threats to privacy in taking part in the study.

Finally, an added dimension of the research which affected issues of confidentiality involved the use of a translator to conduct the interviews and transcribe the recorded data. The translator's access to conversations and sensitive material meant before they were employed, they were explained in full the importance of maintaining confidentiality. Again, the use of a translator involved an element of risk to the privacy of the interviewees. Thus the procedure of having a translator present to help conduct the interviews and convert the data into English was explained to participants via the information sheet and consent form.

Debriefing

Lastly, following the conclusion of the interviews all participants were again reminded how their data would be used and that if they wanted to withdraw their consent at any time following the interviews this would be respected fully. It was also explained to participants that the findings from the study would be shared with them via a summarised version of the thesis that would also be translated into Arabic. The aim of this condensed version will be to present the findings in a more confined and easily accessible format. This will be printed and circulated to the organisations, associations and individuals who participated. These documents will also be accompanied by a covering letter articulating my gratitude for people kindly donating their time to contribute to the study.

Chapter 5. Findings

Introduction

This chapter will present the findings from the data collection and thematic analysis. From the literature review this study was able to begin addressing its first research objective, 'to explore the model of child protection that has developed over the last 20 years'. This established the plural nature of Lebanon's child protection landscape, where responsibilities for the ultimate safety and wellbeing of children are diffused among a large variety of stakeholders including the state, religious courts, INGOs, local NGOs, faith-based organisations and community networks. The findings presented here will further our knowledge of how the protection model has continued to develop in recent years, offer a better understanding of the key role stakeholders play, their evolving interactions with one another and the implications for children at risk. The findings will thus shed light on the central challenge facing Lebanon; reconciling child protection with the local-level power and autonomy of civil society and religious authorities. This will address the three remaining objectives of the study. To remind the reader of their contents they are repeated here;

Research Question

To what extent can Lebanon reconcile child protection with the country's wider tradition of civil society organisation and religious authority?

Objectives –

- To explore the model of child protection that has developed over the last 20 years
- To examine how the statutory child protection system interacts with civil society to address children at risk
- To investigate to what extent the model has reconciled the ideological and practical implications of religious power-sharing in Lebanon
- To investigate the implications for children at risk

As discussed, analysis of the 54 interviews resulted in the development of nineteen initial sub-themes; these sub-themes were then combined to generate the final eleven themes presented here. For the purpose of clarity, these themes have been further categorised under four principle findings, these highlight the core features of the themes presented, their relationship to one another and their significance to the research question and objectives. This chapter will now discuss these results and provide vignettes from the data to illustrate their meaning.

Table 6 Findings and Themes

Finding	Themes
1. State’s increased direction of the field	<ol style="list-style-type: none"> 1. State’s introduction of standard operating procedures and dual pathway model 2. State’s efforts to increase national ownership of the child protection issue
2. Continued implementation issues facing the statutory system	<ol style="list-style-type: none"> 3. Complications rolling-out the standard operating procedures and dual-pathway model 4. Civil society continues to absorb children into residential care 5. Judiciary’s lack of legal infrastructure, personnel and resources 6. Social taboos conceal maltreatment and hinder reporting
3. State’s attempt to shift civil and religious boundaries	<ol style="list-style-type: none"> 7. State’s legal challenge of religious authorities
4. Ongoing tensions between the state and religious authorities	<ol style="list-style-type: none"> 8. Remaining role of religious courts in children’s outcomes 9. Lack of coordination between juvenile courts and religious courts 10. Religious court decision-making underpinned by differing best-interest principles 11. Tensions between state and religious authorities over alternative care

State’s increased direction of the protection field

The first major finding from the study’s fieldwork was that since 2013 the state has sought to radically reshape the plural child protection landscape in Lebanon into a more systematised, unified and state directed structure. Important policy initiatives in recent years have seen the state take a more pronounced role in coordinating the activities of civil society and establishing itself as the major responsible party for child maltreatment. The state has also, in collaboration with significant local non-governmental stakeholders, attempted to establish a clearer strategic vision for child protection nationally; a vision based on domestically reached standards and values for best-practice. This thesis will now present the themes that established this finding.

Theme 1 State’s introduction of standard operating procedures and dual pathway structure

The first theme determined from analysis of the data shows that at the time of the field work, major reforms to the protection field were taking place. Interviews established that from 2013 onwards the Ministry of Social Affairs (MOSA) and Ministry of Justice had been working to remedy criticisms that the nation’s plural protection environment was too fragmented. Interviewees from these ministries

explained that when child protection legislation was initially launched in 2002, a broad web of local and international NGOs were already working with at-risk families. Although these community-based services were believed to be of value there was an acknowledgement that the field was crowded, disordered and lacked the coordination to harmonise governmental and non-governmental efforts;

You know it looks good on paper. We've got this huge network of organisations that are working on child protection, but when you get down to it, it's chaos because you've just got so many hands in the same issue (Senior adviser on recent child protection reforms)

In 2013 staff at the Ministry of Social Affairs therefore began to develop policy initiatives aimed at ensuring *all* relevant agencies from the governmental and non-governmental spheres were well defined in their protective responsibilities, communicated their actions with one another and on the whole were better coordinated. To accomplish this overarching aim, MOSA introduced two major programmes; a dual-referral pathway and standard operating procedures (SOP). These two policies have fundamentally reshaped the conceptual and practical structure of Lebanon's protection system and will now be discussed in turn.

To begin with the dual-referral pathway policy. Staff at government ministries explained that the distribution of responsibilities for maltreated children had never been clearly apportioned. Local and international NGOs had a pervasive stake in assisting at-risk children by dint of their traditional role in social welfare and social development. Their programmes addressing disruptive homes, domestic violence and community-based development meant that through proximity they frequently came into contact with instances or reports of child maltreatment. Other child rights and child welfare NGOs had been tackling maltreatment as a direct programmatic aim for many years and were therefore heavily involved in detecting and addressing abuse. Interviews with government staff revealed that ministries had become concerned maltreatment uncovered and handled within the non-governmental sphere was concealing cases that should instead be processed by the state through Law 422, the juvenile courts and appointed social work teams;

Protection is the issue of the state, we cannot leave children and family just with the community it should be the concern of the government. And after we tell that we cannot make the children be completely in the hands of NGO and international NGO. No, the Law 422 is very clear, every child in Lebanon is under the law and protected by this law and NGO and international NGO cannot have their own rules (Social Worker – Ministry of Social Affairs)

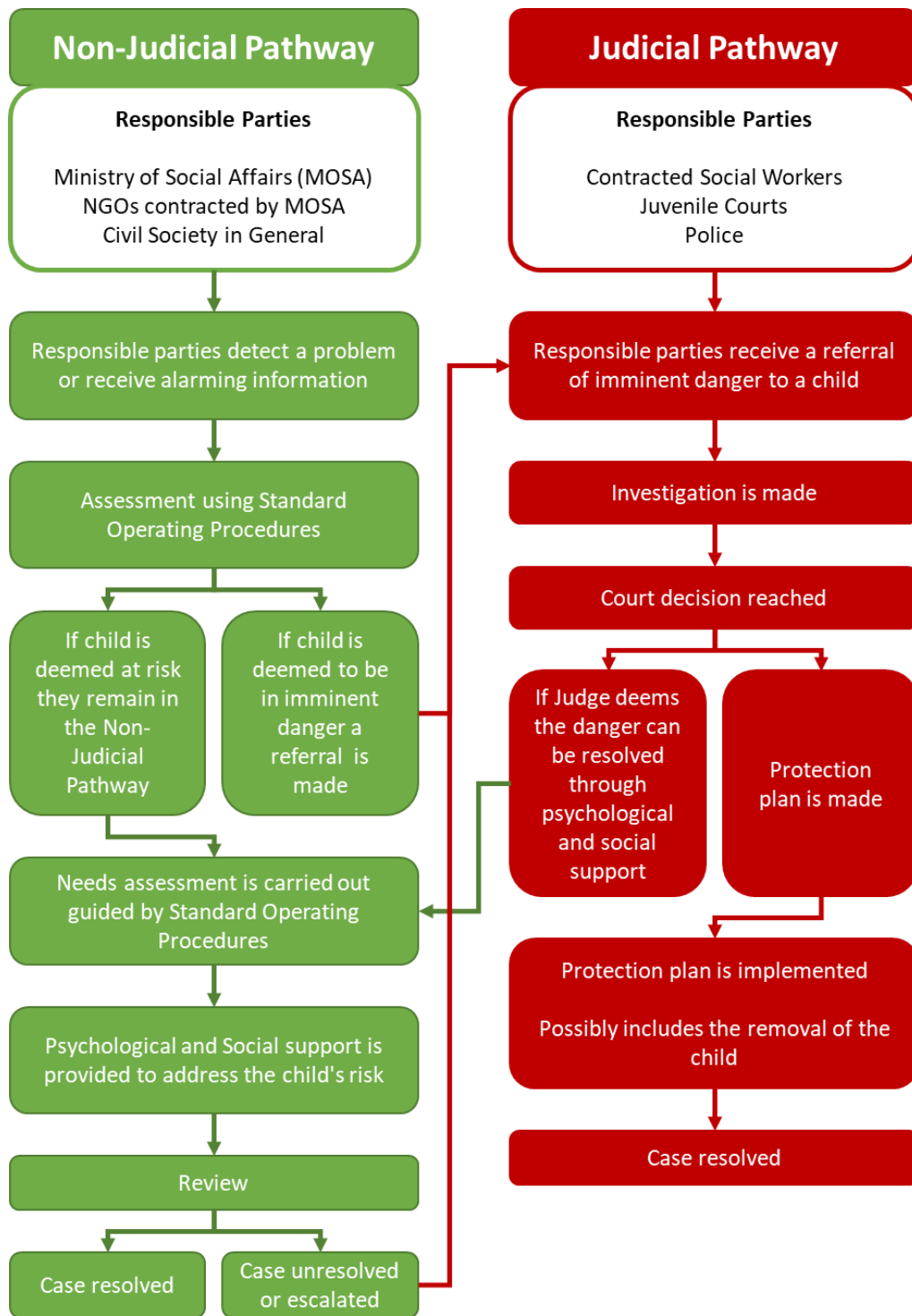
As the above quote illustrates, a recent drive by the government intended to ensure that all cases of maltreatment would be reported to and investigated by the state's judiciary. Furthermore, participants explained that the government wanted to ensure the field was clear the protection of children was the ultimate duty of the *state* and *its* apparatus, not civil society.

Interviews determined that to achieve this the government had set out to establish two clear pathways for handling maltreatment referrals. These pathways define the role of all relevant governmental *and* non-governmental agencies in the child protection field. The first pathway is the **Judicial** pathway and is intended for children in imminent *danger*; specifically, children who are subject to abuse, sexual assault, neglect or exploitation. The definitions of these forms of maltreatment, as previously explored, are specified within Law 422 which limits judicial interventions to cases where juveniles face current harm as opposed to potential-risk. The responsible parties for handling cases within this pathway are the state judiciary and more specifically the Ministry of Justice, Juvenile Courts, judges and social workers. The government has repeated to the field that it is the state judiciary that is *solely* responsible for decisions regarding these kinds of cases and reminds organisations in the field as well as any public or private institutions of their legal obligation to report crimes committed against children to the appropriate authorities. The judicial pathway is also intended to be the only route through which a child might potentially be separated from their family or home environment to protect them from harm. Any decision regarding the separation of children are to be made as a matter of last resort and following due investigation by the juvenile courts and the contracted social work teams. Interviewees explained that it was also hoped more firmly determining the juvenile courts as the sole authority for separation decisions would curb the over-institutionalisation of children in Lebanon, a phenomenon that has been accelerated by the acceptance of children into residential care by non-governmental orphanages and children's homes.

The second pathway established by the government was the **Non-Judicial** pathway intended for children at *potential risk*; meaning threats to the child that do not *immediately* affect their physical, mental or developmental wellbeing, but have the potential to. Non-judicial measures are considered the responsibility of the Ministry of Social Affairs, social development centres affiliated to the Ministry, the United Nations bodies including UNICEF and UNHCR and the collaboration of local and international NGOs. Interviewees explained that the Ministry of Social Affairs and its mandated regional departments are authorised to receive non-judicial protection complaints in Lebanon's different governorates as well as log these administratively. However, in the main, non-governmental partners either commissioned directly by the government or operating independently fulfil the administrative and programmatic responsibilities of this pathway. These NGOs are invited to provide a broad array of specialised, targeted services for at-risk families, strengthening the capacity of parents/guardians, reducing economic stressors that may lead to family breakdowns and develop tailored psycho-social and educational support to improve the child's nurturing environment. In this respect the Non-Judicial pathway is intended to be *preventative* in nature, helping improve the environment of children at-risk and strengthen the abilities of their care givers before potential threats escalate into actual harm. As the title 'non' Judicial suggests, this referral pathway does not operate using the coercive powers of the state and instead

relies on the consensual agreement of families to participate in the support offered by NGOs. Parents/guardians commitment to the help provided by non-governmental services (meaning enrolment and participation in support, the acknowledgement of a need to change the factors behind the risk and concrete steps towards remedying situations) is a requisite to continuing within the non-judicial pathway and avoiding referral of the case to the juvenile courts. The transfer of cases from the non-judicial to the judicial pathway is required when a deterioration in the child's situation occurs, as shown in the below figure. Although separate, both pathways are meant to work in tandem to *prevent* risk and *protect* juveniles in direct harm.

Figure 3 The Dual-Pathway System



In introducing the concept of a Judicial and Non-Judicial pathway; the state has attempted to reconfigure the entire child protection field into two distinct territories, with far clearer sets of responsibilities. Within the first, children in danger are conclusively the prerogative of the state; the power and responsibility over these children resolutely in the hands of the Ministry of Justice and juvenile court personnel. Any decisions regarding the long-term care of a child or their separation

from their original caregivers should be taken by the juvenile courts as a matter of last resort and following due process. This reiterates the position of the state as the final regulator of the safety and security of the child in Lebanon. Whilst through the creation of a second, separate pathway, the government has more precisely fixed the different role expected of civil society; working exclusively on the *prevention* of risk, supporting the welfare of children, strengthening communities and finally helping enhance the capacity of children's primary caregivers. The aim of this policy move was to ensure that the overlapping responsibilities which previously existed in the dense and muddled protection field have now been more clearly untangled;

This policy came and separated the two ways. Here we have cases that can be treated in order to not become a danger, but then when we have a danger, that's it. It has to go to the judicial pathway and we need to have the social workers and judges intervene. Because look, before we did not have these different ways, now we have a very clear vision (Senior adviser on recent child protection reforms).

The vision mentioned here, fashioned by the state's Ministry of Justice and Social Affairs, foresees a better structured, more clearly defined and coordinated protection system where the state sits in position as the final vanguard of the safety of children in Lebanon, while civil society plays a facilitative role; strengthening local communities and supporting vulnerable families.

Together with the dual-pathway system, interviews revealed that government ministries had also introduced a second policy, the standard operating procedures (SOP). The SOP was designed to supplement and strengthen the dual-pathway system. It addresses a central concern that the wide-ranging governmental and non-governmental agencies involved in child protection assess and identify risk according to differing internal criteria. To ensure the dual pathway system worked effectively, it was essential that *all* relevant governmental and non-governmental partners adhered to a common set of protocol in the assessment of risk and the management of cases. This would unify the field and ensure the appropriate referral of juveniles to either non-judicial measures or the judicial pathway based on a shared criterion for assessing the nature and gravity of a child's vulnerability. To this end, interviews revealed that in 2015 the Ministry of Social Affairs in collaboration with the Department of Social Work at the University of Saint-Joseph in Beirut and UNICEF began devising a set of standard operating procedures. The SOP aimed to unify all concerned public institutions, local and international NGOs and government departments around a common practice framework and set of assessment tools.

During the initial writing of the SOP, the Ministry of Social Affairs, University of Saint-Joseph and UNICEF decided the participation of the field was essential in developing a nationally relevant set of guidelines;

After I bring all the people in the field and tell them please review what we propose and amend where you think is important. Otherwise all the people said it's the University's SOP, it's not for them and it's not useful

for them. So, yes it's Lebanese and it's from the field and it's signed by, if you want, the key people who work in the field (Senior adviser on recent child protection reforms)

The skeleton of tools developed through these initial consultations were then expanded upon by adding assessment and case management resources from the UK, France, Belgium, Switzerland and Canada. The end result was a comprehensive, yet compact and user-friendly handbook for managing the protection of children; right from the initial detection of risk until the closing of a case. The aim was for the SOP to support the work of *all* the governmental and non-governmental professionals and organisations that hold a child protection function in the country. With an abundance of toolkits and templates, the SOP provides systematic instruction on how organisations should evaluate parental capacity, the suitability of a child's home environment and determine their level of vulnerability. It also provides clearer indicators to determine the threshold between danger and risk, so that practitioners can conclude the level of harm and take the appropriate steps. If a child is determined to be in considerable *danger*, the SOP provides direction on how to make a referral to the judicial pathway; where responsibility for the child would then be transferred entirely to the juvenile courts and their contracted social workers. If however a child is assessed to be at a lower-level of *risk*, the SOP advises organisations to intervene to mitigate the escalation of this risk. It instructs organisations on developing tailored plans for alleviating any contributing psychological, social and economic strains - preventing family breakdowns and helping children remain in their natural home environment. If the organisation is incapable of providing this support, the SOP lists other organisation the children and their family can be referred to. If the situation of the child significantly deteriorates, organisations are instructed to then make a judicial referral and provide a report of their work to-date with the family and child in question.

In terms of the practice ethos encouraged by the SOP, participants explained that interventions by NGOs are prompted to be based on a mutual partnership between organisation and family:

So it looks at the child capacity and it looks at the family capacity and it looks at the resources available to them and eventually the main purpose is to avoid sending children into the judiciary and institutional care. So eventually the SOP created this climate where the family and the NGO can basically act before getting to a point where you need an authority to come in and intervene. So yeah it is far more focused on that family side of prevention (Senior adviser on recent child protection reforms)

Interviewees explained that this process involves continuous communication between the family and the organisation that is working with them; jointly developing clear sets of objectives and reviewing the progress made. Organisations are expected to be able to supplement the social, psychological and educational needs of the family and the juvenile, reducing the stressors which might be

contributing to the child's risk. As well as help determine the behavioural changes or support that the child's primary caregivers require to ensure they are providing the appropriate care to the child. The SOP therefore offers guidance on how civil society should work with at-risk families, setting out a common framework of practice standards and methods. The data thus showed that the SOP set out clearer and more rigorous procedures for referring cases and has gathered the field around a common, nationally defined and state-led framework for protection practice.

Theme 2 State's efforts to increase national direction and ownership of the child protection issue

The development of the SOP was also a constituent element of the second theme to have been established from analysis; that the state has attempted to bring about increased national direction and ownership of the child protection issue. Participants from government departments and the juvenile courts explained that the long-established dependence on civil society and particularly international NGOs to deliver child welfare services meant it was *they* who had traditionally steered the nation's protection course. This interviewees from state departments felt had hindered the government from developing its *own*, nationally convened and state-led agenda for addressing protection in Lebanon;

The objective is to strengthen the Lebanese system. Eventually all the International NGOs will leave. But we will have to continue working in Lebanon as the Lebanese government. So, if as an international NGO you are saying that you are in Lebanon not only to work, but to give us experience and to strengthen our system, well if you mean what you say, give us the chance (Child protection coordinator - Ministry of Social Affairs)

From this quote we see that participants believed the move to increase government direction of the sector was born out of a wish to strengthen the sustainability of the national system and the state's long-term role within it. This, participants believed would initiate a shift towards a more nationally-raised framework, allowing a sustainable *Lebanese* system to flourish;

When INGOs work in Lebanon they are working under the global standards or guidelines, but sometimes these are not applicable here. They just don't fit! So we want to develop our own frameworks, our own strategies, our own system for how it works and have everyone involved work towards these (Child protection coordinator - Ministry of Social Affairs)

Thus, the data showed that a conscious effort by state departments was taking place to ensure increased proprietorship and national direction of the protection sector. A sense that the government aimed to loosen the grip international agencies and other outside forces have traditionally held; bringing protection further under the rheostat

of the state and gearing the system towards domestically established strategies and priorities.

To this end, the data shows the SOP was just one initiative amongst a handful of other policies geared towards enhancing the state's increased steering of the sector. Another project discussed frequently during interviews was the Child Protection Working Group (CPWG); a monthly forum for governmental and international and local non-governmental stakeholders in the field. Initially established in 2006 by UNICEF, CPWG's genesis lay in the need for Lebanon to better organise the distribution of resources and services following the arrival of Iraqi refugees in 2003. It began and remains a voluntary association. Organisations participate in the meetings because they are considered mutually beneficial. The meetings allow the coordination of activities which helps governmental and non-governmental agencies avoid duplication and overlap of services. With the upheavals of the Arab Spring and the ensuing Civil War in neighbouring Syria; once again the CPWG has become a vital platform to coordinate the emergency response. However, overtime the Ministry of Social Affairs has purposefully taken on a more prominent role within the forum. Interviews demonstrated that MOSA had taken the symbolic step of moving the forum from UNICEF premises to MOSA's own headquarters. MOSA now also led the chairing of meetings. The intention behind this move was to begin using the CPWG as a platform to engage directly with civil society and international partners, alerting them to government initiatives and encouraging commitment to nationally devised strategies, tools and standards for child protection;

In the ministry we have our own vision, we have our own tools let's say - standards, policies and at the same time there is the worldwide ones the international NGOs use. We try always to come to an agreement between both of these, but lately we are talking to NGOs to instead begin to use the national tools. We try and promote this through our CPWG meetings (Child protection coordinator - Ministry of Social Affairs)

As the above quote illustrates, the government wished to anchor the sector more strongly in domestic policies, strategies and aspirations. The CPWG provided the very platform for the government to engage with the non-governmental sphere and promote the utilisation of new national guidelines and standards. It offers another entry point for the state to exert influence over civil society and promote the sectors unification around a national, state-led, protection vision.

Further to the CPWG, the data revealed an additional MOSA-led initiative was the United Child Protection Policy (UCPP). The UCPP was developed in 2016 and was intended for any civil society organisation or association working with children in Lebanon. The UCPP takes the form of a declaration to be signed by organisations, showing their commitment to implement into organisational practice principles and guidelines that ensure their work protects and promotes the interests and wellbeing of children. Where the UCPP differs from the SOP is in terms of its scope, where the

SOP was chiefly concerned with procedures for referral and case management, the UCPP addressed the achievement of children's rights more generally and in a more diverse range of settings. This included how to involve children adequately in decision making, how to protect confidentiality, how to avoid discrimination, procedures for informed consent and how to safeguard a child's safety and wellbeing. The UCPP provided advice on how organisations could restructure their procedures for employing staff, their training programmes and codes of conduct to ensure they were in-line with the principles of protection within the UCPP. The UCPP, like the SOP was voluntary to register under, however interviews demonstrated that along with the SOP it was now a requirement for all agencies to abide by the UCPP in order to be contracted or supported financially by the state. The UCPP was thus another way that the Ministry of Social Affairs had been able to introduce government-led, nationally devised, standards for practice which allow the state to play a larger part in shaping and monitoring child protection.

In the final example of the state attempting to enhance its direction of child protection, findings demonstrated increased monitoring by state social workers of the non-governmental children's homes and social welfare centres contracted by the state. During fieldwork visits at the Ministry of Social Affairs, this study interviewed a team of Social workers who had been specifically employed to assess and evaluate protection services by contracted NGOs, as one such social worker explained;

There is an assessment, it's about the programs and the projects and the services provided to population or to children by contracted NGO. It's about the staff, about the professional social workers, the psychologists - we assess them to make sure and we can observe the interaction between the provider or the professional and the children. And we have some reports, for example we can make suggestion and recommendations to improve practice (Social worker - Ministry of Social Affairs)

These participants felt their increased monitoring of the professional practice of contracted NGOs was another pivotal component to the Ministry's drive to coordinate protection practices and scrutinise the field's attention to Ministry-led standards including the SOP and UCPP. The substantial number of NGOs contracted or funded by the state to provide child welfare services meant a great many prominent organisations with child protection programmes were obliged to submit to these checks.

In sum, this second theme demonstrated that due to the efforts of staff at government ministries, the sector was now under greater direction by the state and its personnel. The SOP, CPWG, UCPP and increased presence of social workers all contributed to a shift of government involvement in overseeing protection activities. In principle these policies drive-at pulling the field further under the auspices of the state and subjecting the sector as a whole to greater government-led direction; a direction which points towards increased domestic control and steering of the

protection issue. This is well-captured in this final quote from a social worker at the Ministry of Social Affairs;

When we say child protection, now we want people to think Ministry of Social Affairs. In other words we want everybody to be coordinated with us, the whole child protection field. This is our vision. (Social worker - Ministry of Social Affairs)

Continued implementation issues facing the statutory system

The study's second major finding was that despite the recent policy initiatives by the state, the statutory system in Lebanon still faces implementation difficulties. As will be explored, these related directly to the new measures introduced by the state to systematise practice and improve coordination of the field as well as longer established problems in terms of the state's infrastructural capacity and the lack of reporting of maltreatment by the public. The themes which underpin this finding will now be discussed in turn.

Theme 3 Complications rolling-out the standard operating procedures and dual-pathway model

In the previous findings, data showed that through the establishment of a dual-referral pathway and the introduction of standard operating procedures, a significant restructuring of the protection field was underway. Another major theme from interviews with ministry personnel and those involved in the design and delivery of these initiatives were discussions around the challenges met implementing these policies.

The first major issue that was frequently raised by participants related to the lack of adequate skills within the field to unify the protection system around one core set of best-practice standards;

They do struggle sometimes to be able to use the assessments, because you need to see the psychosocial situation, you need to see the economic situation, you need to see the personality of the parents, you see? It's very detailed the assessment. As much as we tried it's not something that's always easy to apply (Senior adviser on recent child protection reforms)

So the SOP relies a lot on the expertise of practitioners. And this is where it is more challenging. When it comes to the public servants their experience fluctuates, and some smaller non-governmental organisations they're willingness to engage in case management, willingness to basically fill forms and file things. While for some other more established non-governmentals we see that they have the capacity in place (SOP design contributor - International NGO 2)

As the above quotes illustrate, participants believed that Lebanon's plural child protection field often lacked the specialised knowledge, expertise and resources to conduct rigorous case management. These shortcomings were deemed to exist both in the governmental and civil society sectors, where professionals struggled to abide by the demanding case management and assessment standards set by the SOP. Interviewees at the juvenile courts explained the high numbers of erroneous referrals they received (where circumstances did not cross the correct in-danger threshold) despite their being filed using the SOP templates, showed that many NGOs and public

servants lacked the skills and knowledge to apply the SOP effectively. Thus, we see that despite the SOP being described as a considerable advancement in national protection standards, implementation obstacles owing to a lack of resources and skilled practitioners had also plagued the initiative and slowed hopes that the SOP would initiate a rapid sea-change towards a standardised, dual-referral protection system.

Resistance to the changes proposed by the initiative were also seen to be an implementation concern. According to participants involved in the design and delivery of government initiatives, from the outset of the SOP's launch guaranteeing civil society's adoption of shared standards and procedures was problematic;

Look eventually NGOs are working in Lebanon, and this sector is led by the Ministry of Social Affairs and the Ministry has launched its own tools and child protection policies. So they should really use these tools. Their first response was they complained that 'no I'm using the international tools and minimum standards'. And we said 'ok, we are ok with this at the beginning but later on you should use the tools from Lebanon, our tools' (Child protection coordinator - Ministry of Social Affairs)

Although all of the three INGOs, four of the seven Lebanese NGOs and one of the three FBOs that participated in this study discussed accommodating some aspects of the SOP into their assessment and case management protocol; the participants involved in the SOP's creation explained that it had faced considerable opposition. From their experience, particularly with international NGOs, they found most preferred to cling to internal tools and procedures for working with children at-risk and that beyond paying lip-service to change, were little driven to take a *major* departure in practice to ensure their procedures were in-line with the unified ones proposed by the government's SOP.

A further related issue that was frequently raised as a major shortcoming of the SOP was that it was not legally binding;

***Interviewer:** How do you ensure the SOP is being followed? For example if an organisation decided they just didn't want to use it, is it punishable?*

***Participant:** No there is no punishment for that, for those partnered with the Ministry of Social Affairs it is mandatory, because it is in the contract that they signed with the ministry. For many organisations they found it useful for them to use it, so they kind of find an advantage anyway in using it. But there is no kind of forced enforcement of the SOP (SOP design contributor - International NGO 2)*

As we see from the above quote, the SOP relied on soft-powers to gather a sector-wide following. Its utility in helping practitioners and requirement for MOSA funding were believed to be persuasive enough to encourage organisations to adopt the toolkit into their daily practice. Interviewees explained that the only coercive power

the SOP contained was its explanation that all those in contact with endangered children were under the general obligation of Lebanese law to report witnessing a crime (which child maltreatment is) and could face punishment for failing to do so. However, many interviewees felt that these stipulations were insufficient and that although some well-established Lebanese NGOs were motivated to participate because of the project's overall ambition to develop nationally owned standards and procedures, many other International/local NGOs, FBOs and other stakeholders had failed to thoroughly implement its recommendations and abide by its procedures;

I am ashamed to tell you that the field is very weak. Why? Because the people resist following the judicial measures, they resist the law. They are resisting to write and to think, to be thorough with the assessment we have given. Or like I told you before - the INGO, the big ones have their own guidance, logic and they come with their own criteria they have their own priorities and these are different to our Lebanese priorities. Now the SOP was a big problem because it came and it told the INGO 'sorry we cannot use your own practical guidance in Lebanon we have a law, we have a SOP, we have a methodology, we have a judge etc.' Do you see? The SOP tools can completely change this mentality? No. (Senior adviser on recent child protection reforms)

What the above quote exemplifies was a common view among participants involved in the design and implementation of the SOP at the governmental-level; that organisations which play a significant role in children's welfare were reluctant to depart from their own techniques in favour of those endorsed by the national government. Many held that until application of newly introduced national standards became a legal requirement for all those with responsibilities for the safety and wellbeing of children, the state would struggle to garner the sector wide compliance envisaged and as a result fail in its aim to harmonise the field around a national practice and referral framework. The opposition to applying the SOP was thus one example within the wider finding that there had been complications implementing the state's aim of a standardised, dual-referral structure.

Theme 4 Civil society continues to absorb children into residential care

The fourth theme established that despite recent government efforts, NGOs continued to absorb children into their residential care facilities. As the previous finding determined, through the government's dual-referral policy NGOs have been instructed that placing children in institutional care is a decision for the juvenile courts *alone* to take and should only occur as a matter of last resort. This policy was introduced, in part, to curb the over-institutionalisation of children in Lebanon by the non-governmental sector. The protocol contained within the SOP further instructed practitioners that there should remain only one state-administered pathway for manging children in-danger and that the juvenile courts and social workers were

responsible for decisions regarding these cases. To this end interviews with local NGOs that housed residential facilities showed that some had changed their practices to ensure they were better aligned with the dual-referral system;

The girls we look after should be here not because they have an economic situation or economical cases. They should have passed through sexual situations like harassment or abuses and they have come to us through a court decision (Social worker -contracted residential home 3)

Ok so we identified actually that alternative care is a priority to work on since 2014. Because we believe that residential care is supposed to be for extreme cases and it is not always the best option for the child. We had a shelter and now we are closing it because we want to switch more to external preventative services (President -Lebanese NGO 7)

In these quotes we can see that some local NGOs when asked to discuss their operations described a growing recognition that their role was to assist children at-risk and prevent mistreatment, while children in considerable danger (i.e. the victim of actual harm) were the prerogative of the state. Hence there was a starker distinction made between the types of cases they should be handling and the types of interventions that were now considered appropriate for NGOs to conduct under national legislation and the shared protocol of the SOP. If they did receive children to stay in the residential homes they ran, these children had been referred to the centre by the juvenile courts. In the second quote we see that one NGO had even begun to transition away from providing residential facilities to concentrate more closely on providing preventative services.

The findings from this study however *also* demonstrated that despite some homes and shelters shifting their practice to only accepting children referred directly from the juvenile courts, some continued accepting children via additional routes;

We have also a care section, we have certain kids who are here in the institution living, and those are referred to us by the Ministry of Social Affairs, Juvenile Judges or by somebody else. But we have more than one referral pathway. Also some parents will come and apply for the services - services called special social circumstances. Or sometimes maybe a family member or an acquaintance would know the child and send them to us. But before they are received they will go on to a social worker, which we have here, who will process the application of a new student and they will evaluate the case. So not all options are decided by the court, we have some that are referred by the court but not all of them (Social Worker - Faith-based organisation 2)

The NGO quoted above, like many others in Lebanon, was closely tied to its local religious community and aimed to improve the social welfare of residents through programmes alleviating poverty, providing free education and delivering health care. Like others, its social welfare projects also included residential facilities for children

considered 'in need' and as we see from the above quote, did not only receive children referred directly from the courts as the dual-pathway system and SOP intends, but from other routes that were internally managed. What was thus demonstrated by the data was that the SOP's aim to unify referrals around a single system was not in all cases being realised. This study found that, among the organisations interviewed, some continued to accept children into their residential care without the permission of the juvenile courts. One prominent NGO campaigning against institutional care, explained the institutionalisation of children by local NGOs and FBOs was continuing problem within the system despite the government's efforts;

But you know we don't have specialised NGOs for child protection in Lebanon, we have people intervening within child protection but don't have NGOs that specialise in it. Only we as an organisation specialise in child protection, which means that we only intervene in situations where the child is the actual victim of abuse. We have many large social welfare organisations that work with children in general, they are working with children who are at risk, they are working with children that come from poor families or have social problems, but at the end these are more like a residential care system (Case manager - Lebanese NGO 4)

The quote above illustrates a concern expressed that many local organisations working with at-risk communities and families were persisting with interventions that create paths for children from poor or troubled families to be taken into residential care. This was felt to undermine the official protection system as these cases bypassed judicial decision making and, in many instances, lead to the unnecessary institutionalisation of children. This resistance by residential facilities to abide by the push for two distinct and separate referral pathways was considered a major implementation issue for the state's goal of a standardised protection system.

Interviewees from NGOs that advocated against the over-use of institutions in Lebanon believe multiple factors have contributed to the field's continuing acceptance of children into residential facilities. The most fundamental was thought to be the commonly held attitude regarding the advantages of residential care as a social welfare measure among local NGOs;

Yeah it is all happening because there is this common appreciation, common understanding of saving a child from a bad destiny. Whereas most of the time those children who were taken in they are forced into separation and their mother is forced to let go of the child because the overall system is not supportive. But my point is that there is this agreement that this is good, that this is charity, that it's all about 'saving' the child (Legal expert - Lebanese NGO 3)

As the above quote represents, findings showed that there was believed to be a 'saviour ethos' that still underpinned much of civil society's work with at-risk families and children. This was deemed to be instrumental in the decisions made by

orphanages ran by local NGOs and FBOs to accept children presented to them from impoverished or unsettled environments. Indeed, many of the staff interviewed at residential homes in this study felt that receiving children from deprived or turbulent backgrounds into their full-time care was beneficial to the child, as it gave them greater material and educational opportunity, while little reference was made to the negative consequences of institutional care. This attitude of liberating children from poverty as an act of altruism was also felt to underpin the continued sponsoring and establishment of new orphanages by political groups and religious organisations;

Those services are used by political and religious leaders to advocate and promote their election campaigns. The Orphanages and other services like that are part of their public image. And it's nice, it looks nice on TV when someone says 'I am offering \$50,000 for orphans in Lebanon'. Meanwhile it's less appealing to say I am offering \$50,000 to prevent separation. (Case manager - Lebanese NGO 2)

Here we see how participants described a culture of orphanages as symbols of civic philanthropy and social development, to the extent that they were wielded in politician's public relation campaigns. Combatting the continuation of children being absorbed into residential care was felt by participants to require confronting the view that institutional care was a wholly gainful and charitable alternative to poverty.

Taken together, a substantial theme in the data therefore showed that despite the effort by state ministries, non-governmental organisations continued to absorb children into their residential homes without a judicial order; a practice underpinned by the perception among staff that the life-chances of children from impoverished or unstable backgrounds were improved in residential care. The failure to garner sector-wide conformity to the rules and procedures of the state's dual-referral framework and the continued acceptance of children into residential care without court approval was thus a continuing problem facing Lebanon's statutory protection system.

Theme 5 State Judiciary's lack of legal infrastructure, personnel and resources

The fifth theme developed from analysis of the data demonstrates the perception among interviewees from the governmental, civil society and religious sphere that the state lacked the infrastructure, personnel and resources to execute its protective role effectively:

I think there is a framework present inside Law 422, that is good, it needs work, but it is there at least. However, I see the much bigger problem is with the actual application of the law (Manager - contracted residential home 2)

So I don't think like in the legislative approach there is that much more to be done, I think that we already have the necessary tools actually to

uphold like what we call public order in that domain. Now the question is how it can be mobilized by the government and the courts? (Family affairs lawyer)

As the above quotes illustrate, the actual *execution* of Law 422 by the state and its judicial apparatus was highlighted as a major concern for child protection nationally. Chief among the implementation issues that interviewees raised was the insufficient expertise of Juvenile judges to apply Law 422 effectively. According to participants, although all judges were trained to pass the bar, not all had taken optional training in childhood psychology and *specialised* in juvenile justice;

And we have the judge and in some situations not all the juvenile judges are trained on how to approach the child. They are not trained. Unless the juvenile judge as some initiative to read about juvenile practice and learn the psychology of the child and the parent and the development of children in order to know more (Founder - Lebanese NGO 6)

As the above quote demonstrates, although some juvenile judges had specialised in presiding over protection cases, not all judges had these expertise. With large volumes of case files passing through the court on a daily basis and a lack of adequate staffing and resources; those working at the courts described how there was little choice but for Judges to rotate and share their caseloads. Interviewees therefore believed judges often lacked the particular expertise in child development, attachment theory and family bonding that were seen as vital to apply Law 422 rigorously to decision-making.

For many participants the problems of available expertise to preside over protection cases was the symptom of a larger problem; the fact the juvenile court was overstretched and underfunded. Caseworkers and service providers from local and international NGOs who had attended numerous court hearings to provide evidence, believed the court struggled to keep up with demand and that this negatively impacted the attention given to children's cases;

Look I can understand if you go down on any day and watch the juvenile courts there is just one case, after another, after another, after another and the judge doesn't even really know the kids name, he looks at some report made by the social worker and then has to make the decision (Manager - contracted residential home 1)

These same caseworkers felt the backlog led to the courts being slow to respond to referrals, leaving children in potentially dangerous situations. Thus, we see that although the law has been set in place to respond to children being harmed, many in the field deemed the apparatus to realise the law as failing to be robust enough to cope with the large numbers of referrals. This suggested that the bureaucratic infrastructure in place to realise Lebanon's child protection system has struggled to keep pace with the introduction of legislation and expansion of cases that now flow through the juvenile courts.

Participants explained that the protection system and the nation's wider governmental and non-governmental resources were under further strain due to the refugee crisis in Lebanon;

We have very little confronting the whole scale of the problem and situation of child protection in Lebanon, you know now we have one million two hundred refugees with six hundred thousand children, and you see Lebanon is small and does not have the resources (Senior adviser on recent child protection reforms)

But it was not very high our expectation because all of the social workers and all of the people that work with children are overloaded because of the Syrian crisis, it's taking energy, it is taking money, it is taking time and it is taking hope (Social worker - Faith-based organisation 1)

As these extracts illustrate, the available resources for child protection in Lebanon, both in the governmental and civil society sphere were believed to be stretched to breaking point. The increased attention that NGOs had to pay to emergency response diverted investment from the domestic protection sector. The social workers at the juvenile courts explained that they were confronted with huge workloads and an increasingly complex range of cases to manage. This had led the government to downgrade its expectations regarding the introduction of new child protection policies including the SOP, as the Syrian crisis was seen as a short-term impediment to the long-term advancement of the system.

In addition to the acute difficulties the Syrian crisis had brought about, social workers at the juvenile courts in general were believed to be overworked and under-resourced; forced to handle unmanageable volumes of cases. As previously explored, the juvenile court in Lebanon contract their social work force from an external NGO who have offices housed at the civil judiciaries throughout Lebanon. This NGO provides social work teams trained to conduct primary investigations including home visits, parental assessments and family mediation and who then compile a final report which is presented to the juvenile judge to aid their decision;

The problem is, there is not the capacity and not enough staff to work. There are so many cases and not enough staff. You know the social worker here it is a really difficult job, you have to do everything from A to Z and then present it to the judge and tell him what the situation is and if it is beneficial to do this or that. You have to be really careful how you make your decisions it's a big responsibility (Child protection coordinator - Ministry of Social Affairs)

Look when I see one Canadian report, every social worker has 10 cases, every social worker here has 100 cases it's just impossible to give it that much time to do it properly (Social worker 1 - Contracted social work agency)

All the participants involved in the study, including social workers themselves, felt that the agency contracted to handle cases faced an almost impossible task trying to give the requisite time and attention to the mountain of cases they received. Interviewees acknowledged this inevitably impacted the quality of attention given to children's cases to ensure a thorough evaluation of their situation took place. Thus, the data showed that the strains of an unrealistic workload and lack of funding meant social workers delivering the protection system were another element in the difficulties faced implementing Law 422 effectively.

Theme 6 Social taboos conceal maltreatment and hinder reporting

The sixth major theme established from analysis of participants' data was that the social taboo surrounding child maltreatment in Lebanon continued to conceal maltreatment and hinder reporting to the statutory protection system. Participants believed that public awareness of, and consent for the protection system did not yet entirely exist and that certain cultural attitudes had formed formidable barriers to professionals accessing communities and responding to children in danger;

In general, and I think you got to know Lebanon a bit? In general, there is a taboo regarding abuse, so it's not easy to unfold those stories and face the aggressor (Case manager - Lebanese NGO 5)

We also have social challenges, for example parents are many times reluctant to report cases of child abuse because of social exclusion or humiliation or shame (Social worker 3 - Contracted social work agency)

We cannot leave these abused children and the maltreatment and the violence with the community because every community tells 'we don't have child abuse and we don't have rape and we don't have incest' (Social worker 2 - Contracted social work agency)

These examples illustrate the frustration professionals working in the field expressed towards social attitudes that had concealed abuses from being reported. Case workers from the governmental and non-governmental sphere explained these sensitivities were most pronounced when the maltreatment involved sexual abuse or exploitation and *especially* in cases involving young female victims, who were considered to be disproportionately affected by social shaming and exclusion following the reporting of abuse;

Because the challenges that are raised are mostly about sexual abuse cases coming from close family members and specifically also more when the victim is an adolescent girl. You look at the situation and you know that if we report, especially with adolescent girls, if we report the sexual violence that she was subject to then the family will turn against the girl herself, you know for honour reasons and she will be blamed in the community instead of blaming the perpetrator (Social worker - Contracted social work agency)

As the above quote captures, interviewees believed that a social ethic of modesty and chastity meant that public revelations of abuse could conversely lead to reprisals against the female victim. Participants from an international advocacy group that have done extensive research into informal justice in Lebanon explained that for this precise reason many instances of abuse do not reach formal authorities, but instead are handled *within* the community by *Islahmen* (or middle men) who attempt to moderate solutions to avoid the shame of a public prosecution. These were core concerns amongst frontline staff in their work confronting female sexual abuse. Together practitioners showed that the sensitivity surrounding abuse meant that frontline children's services and professionals had faced difficulties getting communities, families and girls in particular to engage with the protection system and communicate mistreatment.

The problem of social attitudes constraining the system also extended to other key protection topics the government had been trying to address. The first was the controversial issue of early child marriage which holds particular sensitivity in Lebanon as marriage is controlled by religious personal status laws, which permit marriages of girls under the age of 18. Although early child marriage remains a rarity, interviewees stressed that the attitudes in certain locations which tolerate the practice made it extremely difficult for the system to confront the issue. Other issues the participants had experienced difficulties confronting were child labour and physical disciplining - more common protection concerns in the country;

You know we are working with different communities with different traditions or cultures. Some know this is an abuse and they need support. Some they don't know it's abuse. Some don't even know that domestic abuse, hitting, they think that it is a kind of, making my boy a man. Some don't know child labour is an abuse they think 'no, the education is not good in this country and for this child to work from a young age it is a good thing'. They don't even know child marriage is an abuse, they see child marriage as a protection not an abuse, you know? Our first part of working with any family is to help them admit that this is an abuse (Case manager - International NGO 1)

This quote emphasizes something important in interviewees' discussions about the difficulties faced tackling controversial protection topics; namely that the frontline working definitions of abuse, neglect and exploitation used by professionals often differed significantly from the views of the communities and families they engaged with. There was thus an overall sense that a collective societal agreement on what constituted mistreatment, the need for it to be confronted and how it should be handled had not yet been formed and that this meant communities and individuals were resistant to what they believed was the 'outside' intrusion of the state's protection system and its differing value sets. This was believed to be a major implementation concern, because while attitudes towards mistreatment diverged - the concerted effort of communities to engage with child protection professionals was also lacking and as a result reporting had remained low. However, this did not

mean no progress in aligning communities with the protection system's view on mistreatment and abuse had been made;

Thankfully the community is more aware now than they were before about abuse and beating and violence and domestic violence. Even the media is shedding light on it. When we first started this line of work the community really resisted us because they resist any changes and there is this kind of social inertia, now they are more accepting of our work thanks be to God, we went through this difficult phase and now they are accepting our work (Social worker - Faith-based organisation 2)

We see in the above quote an example of the efforts being made by state *and* non-state actors to bring communities closer towards the statutory protection system's views on maltreatment and how it should be addressed. Yet participants believed that there was still a great deal of distance to overcome. Thus, shifts in social perceptions towards the protection system and the need to report the mistreatment of children to state authorities were repeatedly highlighted as crucial components to ensuring the improved implementation and performance of the protection system. Under current praxis, professionals felt that societal attitudes and taboos out-of-step with the ambitions of the protection system formed considerable barriers to effectively engaging with communities, confronting certain protection topics and receiving regular reporting of cases.

State's attempt to shift civil and religious boundaries

The findings discussed thus far have chiefly addressed the first two research objectives of this study; exploring how the model of child protection has continued to develop in Lebanon and examining how the statutory child protection system interacts with civil society to address children at risk. The next two findings relate strongly to the third research objective, to investigate to what extent the protection model has reconciled the ideological and practical implications of religious power-sharing in Lebanon. The first finding discussed here established that the state, through recent legal challenges, has attempted to shift the boundaries between civil and religious jurisdictions to pull child maltreatment more firmly under the auspices of the state. This is a significant finding for our continued understanding of the protection system evolving in Lebanon and the theme that underpins it will now be discussed in detail.

Theme 7 State's legal challenge of religious authorities

The presence of religious courts and their attributed power to govern family affairs is a fundamental aspect to the religious power-sharing system that underlies the Lebanese state. A major aspect of the research question and objectives was thus to examine how the country reconciled child protection as a state practice with the presence of the nation's religious courts and their authority over family matters. The seventh theme determined through analysis of interviewees' data established that over the last 15 years the state judiciary has mounted a *significant* legal challenge to the traditional authority of the religious courts. This finding emerged from interviews with judges, lawyers and social workers at the juvenile courts regarding the boundaries between civil and religious law. Participants were quick to stress that Law 422 and the juvenile courts now held *superiority* in decisions regarding children in danger. This includes the right for juvenile judges to overturn custodial decision made by the religious courts *if* the wellbeing of the child is proven to be at risk;

Law 422 allowed the judges of the juvenile courts, which are like civil judges since they follow the state jurisdiction, to take decisions contradictory to measures that are taken regarding custody by the religious court. So for example, the Juvenile judge can grant the mother the possibility to reside with the child, even though the custody was previously given to the father by the religious courts - because this is deemed to be in the child's 'best interest' (Family affairs lawyer)

Participants explained the state judiciary was now equipped with the power to overrule decisions by the religious courts if this was found to be in the child's best interest. But, according to interviewees, this power was not attained immediately or easily.

The family affairs lawyer and legal expert interviewed explained the reason initial misperceptions arose about the legal remit for child protection was because Law 422 did not explicitly indicate that juvenile judges could overrule religious decisions, nor did it seek to overtly challenge the role of religious law. Hence Law 422 was at first felt to be indistinct and those in the field were left confused about its legal capacity. As a result, religious courts also initially rejected the ability of Law 422 to intervene in its decision-making processes and challenged any attempts to do so. Yet overtime, through determined effort by the state judiciary and following two high-profile legal battles, juvenile judges gradually managed to establish a legal precedent which positioned themselves and Law 422 as the chief authority when it came to decisions regarding the child's best-interest. As the former president of the Juvenile court reported, the first of these high-profile cases involved the Ja'afari court, the family court for the Shia faith in Lebanon;

I once took a decision regarding the Ja'afari tribunal court. There was a divorce between a mother and a father and the Ja'afari Court did not allow the mother to see the child and I took a decision to overrule this for the child's psychological interest. The father's lawyer came to say that 'judge you do not have any right to do this, you are actually violating the powers of the Ja'afari courts'. So I told the father's lawyer 'go and appeal to the higher court and I will comply with the decision'. The supreme court said that the juvenile judge has the right to intervene if there is any minor in danger, regardless of the rights of the religious courts (Former president - juvenile court)

This legal dispute between jurisdictions took place in 2004, two years after the introduction of Law 422 and was nothing short of a legal landmark. In an unprecedented move, a Juvenile judge used civil legislation to cross a hallowed boundary into religious family matters. In this action, the Judge quoted above was a pioneer in the interpretation and application of Law 422. Never before had the law's provision to guard for the best-interest of the child been understood to extend to religious custodial decisions. Furthermore, the highest court for appeal in the country approved this interpretation and supported the entitlement of juvenile judges' to intervene in religious court decisions to protect the child's best-interest.

The second contest between jurisdictions caused wider public controversy and involved the same juvenile judge. This time the judge was seeking the overturn of a custodial decision reached within the Sunni court. The case involved a father who divorced his wife just months following the birth of their first child and moved to the Gulf for work. The ex-wife raised the child independently, until, unannounced, the father returned ten years later and used religious custodial laws within the Sunni court to file for guardianship. He was successfully granted the full-time care of his daughter. Subsequently the mother took her case to the juvenile court, citing the psychological trauma her daughter would face being removed from her care. The Juvenile judge, following social worker and psychologist assessment, agreed that the

child would face unjustified distress being separated. Again, in a legal landmark Law 422 was used to halt the immediate removal of the child. The impact was significant;

Then it was doomsday against me, everyone was against me, even the Minister of Justice, also the Dar El-Fatwa (the country's highest Sunni Muslim authority). The Minister of Justice said that he doesn't want to have anything to do with it, so I told him ok I will take the full responsibility of this because I think I am right. Then I received a letter from the Prime Minister asking 'why I did this? How come you've taken a decision that is against the Religious court?' (Former president - juvenile court)

Eventually, after another supreme court hearing, the father was forced to accept the juvenile judge's right to overturn the Religious custodial decision in order to guard the child's best interest. This case helped in strengthening the authority of the state judiciary to intercede in matters that concern the best-interest of the child, even if this crosses the traditional religious boundary in Lebanon.

By 2009, there appears to have been a growing realisation that judges at the juvenile courts had managed to successfully cement a legal precedence in their favour. That year another appeal brought to the supreme court claiming that a juvenile judge had unlawfully interfered in religious family matters was overturned;

So by 2009 you had three decisions confirming that the juvenile court has the right to intervene when there is a minor in danger. And these decisions were from the higher, the highest court in the country (Former president - Juvenile court).

In an interview with a family affairs lawyer, they describe how these three major decisions led to a substantial shift in power between jurisdictions;

The Juvenile judges would never say that they are interfering in the jurisdiction of the religious communities. They would say that they are simply 'taking measures that are related to the health of the child', but that they are not overthrowing religious decisions. Now of course practically it is an overthrowal, like implicitly that was the result (Family affairs lawyer)

Although participants explained that the religious courts had now eventually been forced to accept these changes to jurisdictional boundaries, there was an acknowledgement that the issue remained nationally sensitive both in political and public discourse. It is these sensitivities that have meant juvenile judges have refrained from interfering in religious court decisions unless absolutely required;

Some judges would fear to take a decision like this, but I teach judges and I want them to be brave and be able to take these kind of protection decisions. It is of course actually a very sensitive point because it is picking a fight with the religious courts and of course they have a huge influence in the country. But when its needed, we must do this (Former President - Juvenile courts)

As a juvenile judge here explains, although the civil courts now have the legal capacity to over-rule a religious court decision they consider endangers a child, the continued controversies around the civil court's interference in religious matters can make judges apprehensive. The issue of child protection has therefore remained polarising; with the religious courts believing Law 422 unjustly drew powers away from the religious authorities and represents an unjustified incursion of the state in religious affairs. While the juvenile courts have fought hard to establish their command of children in-danger. As the above quote also exemplifies, participants felt the juvenile courts were growing increasingly confident in over-turning religious court decisions and juvenile judges were being trained and encouraged to do so in necessary circumstances.

We thus see that when Law 422 was introduced a grapple for command ensued, with the juvenile courts slowly but surely drawing child protection away from religious authorities and further into the state's own domain. Of course, as will be explored, the routine administration of marriage, divorce and custody remained firmly in the hands of religious communities. However, when it comes to the child *in danger* interviewees were unanimous that from a legal perspective these children are now more strongly under the scrutiny of the state and *its* judicial apparatus. If the state needs to intervene within the jurisdiction of the religious courts, it is now capable of doing so and has done on a number of occasions. The attempt by the religious authorities to quell the interference of Law 422 in its decision-making processes has to a significant extent failed. Should the best-interests of the child be put in jeopardy by a religious court decision, the state can now intervene; child protection weakening the once concrete boundaries that existed between religious and civil jurisdictions.

Ongoing tensions between the state and religious authorities

The fourth finding established that despite considerable shifts in power and influence between the state and religious authorities; there remained fundamental tensions between these spheres, with implications for the protection of children nationally. The data shows that the religious courts still held a fundamental role in shaping children's outcomes through its control of personal status matters, yet there existed no channels for coordination between the religious courts and the statutory protection system. Both spheres were divided in their work with children and families and operated according to contrasting sets of values and principles. The lack of coordination between these spheres also continued to make the arrangement of alternative care for children a sensitive and complex obstacle for the country. The themes which support this overarching finding will now be explored in turn.

Theme 8 Remaining role of religious courts in children's outcomes

Although finding 7 noted that the state had established legal authority to uphold the best-interest of children in-danger and overturn any religious court decisions that jeopardised a child's safety. The thematic analysis revealed that the religious courts still played a fundamental role in shaping children's outcomes and family life in general. Although participants believed an *important* shift in power from the religious to the civil jurisdiction had taken place, interestingly this did not mean they believed the authority of the religious courts had *entirely* diminished:

But also, we have to realise that sometimes the religious authorities actually still have high stakes in terms of protecting the child. Because we cannot bypass the religious law entirely when all personal status matters, like the whole system related to family is regulated by the religious authorities (Legal expert - Lebanese NGO 3).

As the above quote exemplifies, although participants felt power had indeed swung towards the state; because routine personal status matters (including marriage, divorce and child custody) were still handled by the religious courts, interviewees believed religious law had maintained substantial sway over family affairs and consequently, children's lives. Most centrally, when settling divorce hearings, interviewees explained that religious judges assess and determine children's custodial arrangements. This includes evaluating the suitability of parents, the home environment they can provide and ability to keep the child safe and nurtured for. Their arbitration of familial breakdowns was also an instance where accusations of mistreatment, domestic violence or neglectful parenting might be brought to the surface. These processes and decisions were felt to affect children's lives and have the potential to entail judgements on the child's needs and safety. For many participants outside the religious courts this posed difficult questions for the state's child protection project, as some believed the religious courts remained highly

influential in shaping children's outcomes yet there was no guarantee religious judges were referencing Law 422 when making decisions:

There could be a number of situations where the religious courts are making decisions that are affecting the lives of children but because they are personal status cases they are being made entirely by the religious courts. We are just not sure to what extent or if at all the religious courts are taking the best interests and actually resorting to Law 422 when making a decision. So that is a big concern (Child protection officer - International NGO 3)

In this sense participants outside the religious sphere described the religious courts as a parallel authority to the state's protection system, and a stakeholder that could not necessarily be trusted to uphold children's protective rights.

In fact, at government ministries, participants explained that concern regarding the religious court's consideration of children's rights and best-interests was a driving force behind the initial introduction of Law 422 back in 2002;

No it is very very important thing that the Law 422 has taken powers because sometimes the religious courts doesn't take, not even sometimes many times, they don't take the right choice for the child because they don't have, they don't do case management they don't do a deep assessment for the family or for the child or for the best interests of the child (Child protection coordinator - Ministry of Social Affairs)

The above quote illustrates the doubt within governmental and civil society interviews towards the religious courts' competency to thoroughly evaluate the situation of children and where instances of risk are detected, take appropriate action. Whether this concern is founded, as we see from the data, discussions with government staff and civil society organisations framed the religious courts as an external and somewhat subversive presence to Lebanon's child protection ambitions.

The data also demonstrated that in general, participants widely disagreed on where the correct boundary between state and religious authority should indeed lie. The state had limited its powers of intervention in religious court decisions to cases where the child was considered to have been put in immediate danger by a religious ruling. This high-threshold was set to ensure the state respected the religious courts' traditional authority over personal status matters. However, many believed that the *routine* custodial decisions carried out by the religious courts still required greater state oversight;

If we really believe in the notion of best interest - well then actually all custody issues comes down to this. Because custody issues will never only be issues of physical violence, it will always be is it in the interest of the child to be raised by his mother or his father? At this age and in these

conditions? So you cannot take a step back by saying 'no we will only control the best interest of the child when the child is like mortally in danger'. But when people come to see you with routine custody cases that still impact the child's life say 'no actually it's not for us to intervene in the jurisdiction of the religious courts'. This isn't right (Family affairs lawyer)

The quote above captures a view widely spread among informants from the civil society sphere and especially secular NGOs and INGOS; namely that there is an internal hypocrisy to Law 422 which claims to defend the best-interest of children, yet avoids interference in routine religious court matters such as custodial divorce settlements, which still affect children's wellbeing. For some participants the limits set in place on the juvenile court, only interfering in religious court decisions when a decision puts a child in-danger, is insufficient to protect the needs of children in Lebanon. They hold that the state must play a more ubiquitous role in overseeing religious court decision-making, ensuring it abides by the best-interest principle and protective safeguarding standards contained within Law 422.

At the religious courts, their account of the issue instead emphasised the necessity for personal status matters to remain resolutely in the hands of the religious courts to uphold the delicate power-sharing balance between Lebanon's different religious communities and the Lebanese state:

With the sensitivity of sectarian reactions in Lebanon we have the law for civil, it is built on each religious sect. We have a specific civil law for the Sunnah for the Shia for the Druze also the specific one for the Christians, so those laws have their own courts. The courts are for the civil or family affairs or for the records regarding the kids. Now there is no problem with the reaction of the sectarian because each of the sect will manage their own specific needs (Judge - Sunni court)

This was a common belief among participants from the religious courts; namely that there was a need to respect the individual traditions and customs of Lebanon's different religious communities for the sake of continued stability in the country and a harmonious relationship between religion and state.

The data therefore showed that tensions still remained; with participants from the governmental and civil society sectors believing that despite the redrawing of boundaries, religious authorities were still influential in determining children's needs and best-interests and therefore required greater oversight to ensure safeguarding practices were in place. While those from the religious court's felt that the separation of state and religion when it came to personal status matters was necessary not only to observe the individual needs of Lebanon's various faiths, but also importantly to show consideration for social and political pressures in the country. In any event, what was clear from the data was the fact that the religious courts remained a key component of children's welfare in Lebanon, despite the substantial shifts in power that have occurred since the introduction of Law 422, the

dual-pathway model and the SOP. While those outside the sphere of religious authorities framed the religious courts as an exterior and to a certain extent deleterious presence to the nation's child protection ambitions.

Theme 9 Lack of coordination between juvenile courts and religious courts

The ninth theme to arise from the thematic analysis demonstrated that there was a distinct lack of coordination between the religious and juvenile courts over child protection. From participants' accounts, any possibilities to establish links between these authorities were effectively severed following the initial introduction of Law 422 in 2002 and the acrimonious legal dispute that ensued;

There was a struggle between the religious court and civil courts when law 422 was first introduced. A battle between them, the religious courts which are like a dynasty here in Lebanon, were scared that Law 422 would take too much power away from them. They feared this loss of authority (President - Lebanese NGO 7)

As the previous finding established, the introduction of Law 422 led to a tumultuous legal dispute over the correct boundaries between civil and religious jurisdictions. After reaching the country's supreme court, eventually the juvenile courts were successful in establishing themselves as the superior authority over children in-danger, while the religious courts continued to perform routine marriage, divorce and custody proceedings. As the above excerpt demonstrates, the fallout from this dispute led to a strained relationship between these two jurisdictions as the religious courts resented the perceived loss of power and increased interference by the state. For the religious judges interviewed, they still hold that the protection of children in-danger should have fallen under their authority and that any efforts to expand the nation's child protection efforts should have involved the religious courts being granted an increased legal capacity to investigate and incriminate adults suspected of committing maltreatment. This of course did not happen. Law 422 gave the juvenile courts full power over children in-danger with no designated role for the religious courts in the protection system.

In addition to the dissatisfaction the religious courts expressed towards the shifts in jurisdictional boundaries, religious judges and court personnel described their displeasure with the way the state's child protection system has operated since its introduction in 2002. A clear motif in discussions with participants from the religious courts was that Law 422 and the state's protection efforts were seen to have inadequacies and negative repercussions for children. One of the most prominent criticisms expressed by judges at the Muslim courts was that the protection system separated children from their communities and severed important ties to their familial and religious roots;

Many Muslim judges they are annoyed, why? Because the juvenile judge won't find a Muslim institution to place the child and so then they place them in a Christian one and then the religious judge would say 'well ok but this is against the best interest of the child because we consider the religious education is a pillar for the child and you are taking this from the child and you are taking away his identity, from his community so if one day he wants to come back to his community it will be difficult' (Legal Expert - Lebanese NGO 3)

Other participants from prominent NGOs working in this field concurred that on balance the majority of government contracted orphanages in Lebanon were Christian affiliated, or secular but staffed mainly by Christians, and that certainly the placement of Muslim children in institutions that did not match their religious origins was common. This meant that once children were placed in these institutions, they were open to either experiencing a form of religious conversion as daily practices and teachings revolved around an alternate faith, or at the very least, were raised lacking rich instruction on the pillars of the Islamic faith. Thus there was a sense that Muslim judges in particular believed the state's protection system was withdrawing children from their communities and in the process stripping them of sacred birth-rights to a spiritual union with their Islamic origins. This they felt was evidence of how the state's protection system failed the needs of Lebanese children and the communities it was meant to serve.

Religious judges also believed that the state's child protection system unfairly targeted the poorest socio-economic brackets within their communities. They alleged that economically vulnerable areas were unfairly targeted as sites of abuse and neglect, while maltreatment in more affluent and influential districts went overlooked. Religious court personnel held that the system the state had built to protect children actually served to victimize impoverished families, whose struggles to provide a safe environment for their child were seen through a prism of mistreatment;

With abuse or neglect in a disadvantaged context, you find the reporting is high but in places regarded by the society as 'good places' or places with authority, the reporting is very low. There was a study in 2006, by the UN child rights committee found there was a huge number of children in institutional care only because they are coming from poor families, so there was no need for separation except for poverty, like the parents couldn't cope anymore. So this is the tragedy (Family reconciliation officer - Maronite Court)

The above vignette exemplifies the clear sense of mistrust which emanated from interviewees at the religious courts towards the state's protection system. Some working in the field believed this mistrust was a direct stimulus for religious groups establishing their own family welfare and children's centres, as a form of fortification against 'outside' incursions by the protection system;

Yes they are accusing these NGOs, the juvenile courts and even the MOSA that you are taking our children and putting them away. That is why some of the other religious groups they have their own institutions (Case manager - Lebanese NGO 2)

So the point I am making is that there has been a real evolution of community-mindedness within certain groups. I think communities that tend to maintain their communal aspect and their communal childcare ways of being have not fallen prey to these incursions to the local society (Academic and campaigner for adoptee rights)

As we see from the above quotes, there was a sense that interviewees felt religious communities in some way were building barricades to external interference. That local RWOs were establishing children's homes and social welfare centres not just for philanthropic purposes, but to also provide viable support for children and families at-risk that would guard them from being separated from their community. Keeping children connected to their religious surroundings was therefore believed to be an important motivation for the welfare programmes mobilised by religious communities and authorities.

Related to the previous point, the religious courts also criticised the state's protection system for its readiness to remove children from their family ties;

Islam always cares for the child to grow up within a family and not within a centre or an orphanage because those centres don't have real caring for the child. Because when he is in a home, he is 1 out of 500, he is merely a number (Judge - Sunni court)

As the above quote demonstrates, interviewees felt the state protection system was prone to removing children from their families and that considering most removals resulted in some form of institutional care for the child, questioned if the statutory protection system was indeed better placed to deliver positive outcomes. Interviewees queried whether having granted the juvenile courts the competency over child welfare, did the state actually have the financial, human and institutional resources to better meet the needs of children. For the religious courts, to every extent possible they believed children needed to remain with their original family. Given the infrastructural challenges the state has faced operationalising its protection system (back-logs in case management, a lack of alternative-care facilities and trained personnel) the religious courts have questioned the efficacy of attributing child protection powers to the state judiciary;

I think it's quite legitimate to say look the state has given juvenile judges the capacity to overrule us at the end of the day, but they don't have the means to do it better, to protect the children better. Because it is true that the law establishes a number of protection measures for children but in practice, there are no financial means to implement those decisions or even the institutions do not exist in Lebanon (Judge - Druze court)

Again this gave evidence to the strains in the relationship between the religious and juvenile courts, as many in the religious courts had a negative view of the state's child protection efforts as being inappropriate to actually meet the needs of children. Instead the religious courts perceived the removal of children from their families and community by the protection system as a form of harm itself.

Interviewees from the religious courts also held misgivings towards what they felt were people exploiting Law 422 to contest divorce settlements;

It is a fight to keep the children. They are using the system to keep the children. That is why the juvenile judge became more suspicious and careful of any decision when it came to divorce and the parents are fighting for the child and saying about abuse (Family reconciliation officer - Maronite Court)

The extract above summarises the point made by participants at the religious courts that Law 422 had opened avenues for divorcing parents clashing over their children's custody to overturn a religious court decision by fabricating accusations of child maltreatment. Religious judges believed that the protection system had simply become another route for divorcing parents to appeal contact rulings that were unfavourable to them, further undermining the authority of the religious courts. They also believed this was detrimental to children who were caught up in these protracted battles and put at the centre of false allegations of mistreatment. The data collected cannot verify the substance of these claims. Yet, collectively, what these findings *do* illustrate is that the religious courts were highly sceptical of the ability of Law 422 and its institutions and professionals to meet what they define to be the true priorities and needs of children. Instead they saw Law 422 and the protection of children by the state's judiciary as often harmful, rather than protective of children's wellbeing.

The cumulative effect of the deterioration in relations between the religious and juvenile courts, and the adverse perceptions of one another's work with children and families, was that *no* formal pathways for referrals or coordination of activities had been established between the jurisdictions. Both operated as separate silos. As a representative from the Ministry of Social Affairs explained, the religious courts never liaised with the juvenile courts over the detection of mistreatment;

Participant *The religious courts don't work on detecting if the child is at risk or not no. The religious courts work only on divorce cases, when the divorce case arrives they will then decide whether the mother or the father gets custody according to the law and that is it.*

Interviewer *You'll never get any reporting from the religious courts that they think there is a case that the child is not being treated well?*

Participant *Not directly to us no, sometimes the religious court will tell the family you can go to the child protection court and go talk to them about protecting the child. But no we don't have this let's say referral pathway, no,*

no, no we don't have that (Child protection coordinator - Ministry of Social Affairs)

As the above exchange demonstrates, the relationship between the religious courts and juvenile courts when it came to the protection of children was non-existent. This was despite the fact that *all* the participants believed children's needs would be better served if both jurisdictions consolidated their efforts. Interviewees suggested possible avenues where closer coordination between the judiciaries would be beneficial. This included arranging alternative care (which we will explore in greater detail later), a consistent referral pathway between jurisdictions, the possible presence of state social workers at the religious courts to help investigate maltreatment claims and greater collaboration to confront issues like domestic violence. In reality, the lack of any agreed coordination between jurisdictions meant that there were no procedures in place to guarantee cases of risk at the religious courts were handled in accordance with Law 422;

Participant A *There are religious judges that are ok with asking the juvenile judge to intervene and they say 'yes he is a criminal judge after all he has competency that we don't have and we would like him to intervene' but some others and most of them*

Participant B *Yes it is most of them*

Participant A *Are not ok with it*

Interviewer *Does that mean that there is a bit of a breakdown in communication between the religious courts and the civil courts?*

Participant A *(laughs) Yes there is a lot of breakdown*

Participant B *This is one of the biggest issues. (Case manager and child protection adviser - International NGO 1)*

As the extract above displays, because there were no mandatory guidelines in place to ensure religious judges referred protection cases to the juvenile courts, referrals relied on the discretion of religious judges to report mistreatment to authorities. There were also no standardised procedures in place at any of the religious courts interviewed to instruct religious court personnel on how they should investigate or record complaints in compliance with Law 422. It is worth also noting that none of the religious courts had adopted the recent SOP best-practice guidelines introduced by the government. Instead the religious courts interviewed all abided by their own safeguarding protocol and it was their own social workers and psychologists that investigated cases of potential risk that passed through the courts;

We have a law in our religious legal system that the judge has the right to deem whatever is necessary to protect the child from any harm or violence, that's guaranteed in the religious courts. We don't have anything to do with the article 422 (Judge - Sunni court)

At all the religious courts there were procedures in place to assess a child's living situation and there were case workers at the religious courts who liaised with families, but there were no official measures for making referrals to the juvenile courts. There was also no interaction between religious judges and juvenile judges and no communication between social work teams at the two courts. Any assessments carried out by the religious courts regarding the wellbeing of a child, their living arrangements and the suitability of parental custody following a divorce were logged against internal criteria and not those established under Law 422; further separating the two jurisdictions.

In effect, the juvenile court and the religious courts therefore operated as two *exclusive* spheres. As participants explained, there was now a rigid boundary between the operations of the two sectors;

The paradox between the religious courts and the juvenile courts is big. I mean you have the fact that the juvenile courts simply don't recognise the religious judges. (Child protection officer - International NGO 3)

But usually the religious courts are not very open spaces and it's not very easy to integrate into these courts. And so of course like measures of cooperation between the juvenile courts and these religious courts is necessary. But I don't see it happening because I feel that there is this approach that both of these spaces are exclusive from each other (Family affairs lawyer)

As the above extracts exemplify, the division that has developed between the two spheres over the sensitive issue of child protection meant that the opportunity for cooperation was felt to be slim. This was despite what participants believed were the obvious benefits to having both legislative chambers working in tandem to detect and address protection concerns. In sum the data therefore established that following the legal fallout with the introduction of child protection legislation, a strained relationship developed between the religious and juvenile courts. For the religious courts, state administered child protection legislation was unnecessary, signalled an unjustified interference in their authority and has failed to better meet the needs of children. The tensions and misgivings between the court systems has impeded the potential development of arranged referral pathways, closer liaising over the evaluation of risk and coordination in the search for alternative care for children. Analysis of participants' interviews therefore established the overarching theme that there was a distinct lack of coordination between the religious and juvenile courts over child protection.

Theme 10 Religious court decision-making underpinned by differing best-interest principles

The tenth theme developed from analysis of participants' interviews established that the principles which underpin decision-making within the religious

courts differed considerably from those driving the national child protection system. We first see this theme develop in interviews with religious court personnel regarding the nature of custodial decision-making. At all the religious courts interviewed, participants made reference to the child's 'best-interest' being a crucial factor in reaching custodial settlements. Religious judges at all the courts that participated also explained that they have dedicated social work teams that help them to assess the suitability of parents, investigate any accusations of ill-treatment and determine the most appropriate custodial arrangements for a child. However, the way in which best-interest was defined by the religious courts differed significantly to national child protection legislation, as an experienced family affairs lawyer explained;

They bring out the best interest of the child all the time, but not in reference to Law 422. So that law is not brought up, but the concept of the best interest of the child itself is raised in all of the decisions, you won't find a decision granting custody to the mother or the father without reference to the best interest of the child (Family affairs lawyer)

At the religious courts, set-protocol on the custodial care of children when parents separate drove best-interest decision-making. These criteria take into consideration the child's age and the gender of their parent. Here the religious judges underlined a pivotal distinction made between paternal *guardianship* and maternal *custody*;

Men should have the final supervision. This for the father is an obligatory right, we don't assign that to him, it is a natural right for the father. The court here only gives a statement of this fact. While the custody for the mother it should be assigned by the court and only if it is in the interest of the child. And this is all being measured and assessed by the local religious court judge (Judge - Shiite court)

Paternal guardianship is therefore an automatic entitlement for fathers when a separation from their spouse takes place. It is almost unconditionally granted, barring homosexual behaviour, severe mental illness or alcohol and drug abuse by the father. The purpose of paternal guardianship is to allocate the father as principal decision maker; giving him the right to decide all educational, health and financial matters relating to the child and preserve any assets owing to the child until the age of 18. In comparison, maternal custody rights are time-bound. The custodial period for mothers differs between the authorities of the 18 recognised religious sects. At the four courts interviewed for this study (which as explained are the majority religious groups of the country) they stood as follows;

Table 7 Boundary for Maternal Custody by Religious Court

Religious Court	Boys (Years old)	Girls (Years old)
Maronite	2	2
Sunni	12	12
Shia	2	7
Druze	12	14

Interviewees explained that these are the time-limits of maternal custody rights, this means that the custody of the child turns over to the father once the child exceeds these age limits and then it is the father's discretion if the child remains with their mother or comes to live with them. Interviewees from the religious courts explained that the mother's maternal rights were bound to the early age of the child because during this initial developmental stage the child needed the nurturing of their mother. Beyond this age it should be the father's discretion what happens to the care of the child.

Discussions with the courts and advocates in this area revealed that unlike paternal guardianship rights, maternal custody is also conditional and easily revocable. Interviewees explained that what qualifies women's entitlement to custody of their child is the court's verdict on their moral integrity and religious observance;

She can take care of him until he is 12 years old then after that the father can say if you want to keep him you can, or he can say I want my child back. So this is one phase. But if the woman is not good enough for the child, it will be provided by a complaint from the husband. So he might say for example that 'look this woman is not good enough to raise the child, she goes to work a lot, like maybe her moral behaviour is damaging to the child'. After he can prove that claim, she might lose her right in custody but then the custody would go to her mother not to her husband because we see it that the young child needs a woman to raise him not a man (Judge - Sunni court)

If the mother she is not really a good mother, she is not able to give the right education, she left her house and is living on her own or the behaviour is not good, so the judge here will take off the custody from her. Even if the child is under the age of custody the judge still has power to take the child away from the mother (Family reconciliation officer - Maronite Court)

Husbands have recourse to say like 'oh you go out a lot and you wear certain types of clothes' and you would always have this thing of the woman being on trial in front of the jurisdictions. So yes you have women subjected to a moral test and put on trial in custody issues that go into her moral conduct and mental capacity in order to be able to raise the child etc. So you always have the same idea, that the husband has to provide for the family and the woman has to have irreproachable moral conduct in order to raise her children (Family affairs lawyer)

The above quotes capture the scrutiny that is placed on the 'moral' conduct of women. What the religious courts determine to be in the best-interest of the child directly relates to their moral upbringing and the ability of their mother to secure a religiously virtuous environment. If the mother is deemed unsuitable, their maternal custody rights are revoked. Other behaviours which fell within the remit of moral character included if a woman leaves the marital home to live on their own, and more seriously, if a woman decides to start a new relationship or remarry. These actions as judges at all the courts explained, are grounds to terminate a mother's custody.

Judges clarified that these measures were in place to protect the child from potential abuse or mistreatment by the mother's new partner; however the same repercussions were not true for fathers who remarried. Interviewees at the religious courts also stressed that when decisions are made to revoke maternal or paternal custody, arrangements are made to ensure visitation so that the child grows up in contact with both their parents. Nevertheless, at civil society organisations, this probing into the conduct and character of mothers in separation proceedings was felt to discriminate against women, as conversely paternal guardianship rights are enjoyed almost unconditionally, with no set time-limits and notwithstanding the same degree of scrutiny.

Interviewees explained that women were also put at a particular disadvantage if they have a different religious background to their spouse. As explored, religious courts place a heavy emphasis on the requirement for children to be raised in an environment that fosters their virtuous, religious upbringing. Although civil marriage for religiously mixed couples does not exist, as previously mentioned many partners will either marry abroad, or the wife (as is most common) formally converts to their husband's religion. In these instances, a child's religious identity in the eyes of religious law will always be defined by their father. Upon the dissolution of mixed marriages, religious courts will take into consideration the woman's original religious upbringing prior to marriage and often question if she has the appropriate knowledge to raise the child in the traditions of their father's religion. Interviewees outlined that these practices disadvantage women's claims to custodial rights;

Yes they can be reluctant, usually in mixed couples it's like the woman would marry in front of the religious authority that her husband is affiliated to. It is very rare to have it the other way around, so a lot of women would be reluctant to divorce, especially when they are from a different religious confession. Because they would be worried that the religious jurisdiction would file in favour of the husband because he is from the same religious background (Family affairs lawyer)

We see that interviewees felt the gendered nature of decision making at religious courts can deter women from being able to exercise their custodial rights, particularly when they come from a different religious background.

What participants considered to be of particular concern about the gendered nature of custodial decision making in the religious court systems were the barriers this erected to women seeking separation from an abusive or unhappy marriage;

The big problem in all this is that mothers will often stay with an abusive partner or one who is beating them and the child because they are scared they will lose the child in divorce proceedings. So men can use this child custody as a weapon to blackmail (President - Lebanese NGO 7)

The weak legal protection women are afforded is therefore seen to be exploited by men to prevent their partners from separating. Interviewees explained that their

work representing women at custody hearings highlighted the threats and apprehension women faced when escaping abusive relationships. Interviews at prominent advocacy groups underlined the direct bearing this had on child protection concerns, because while the roots for separation remain paved with biases and obstructions for women, their ability to protect themselves and their children from abusive partners was restricted. The decision-making processes at the religious courts were thus seen by those in the governmental and non-governmental sphere as an impediment to tackling domestic abuse nationally.

Contrastingly, the procedures behind custodial rulings were interpreted in a fundamentally different light by religious judges themselves. At the Sunni courts for instance, judges stressed the claims mothers had to custody, despite the fixed period for which they last;

Islam assigned a specific age for custody when the child needs their mother, the father has no power to take away the child from her mother. So the court sets a specific age for custody, from the first day until 12 years old, that period is for that. We don't try to compare who is better the man or the woman, we say that the woman is always better as the custodian of the child. So in Islam there is no equality to this, the woman actually has an advantage and a bigger right with regards to custody than her husband. The custody is always for the woman. The man can have the right of taking care of the child or companionship after the 12 years of age (Judge - Sunni court)

We see the converse sense of empowerment that the religious courts believed religious laws and the set periods of maternal custody gave women which, barring immoral behaviours, mean the residency of the child automatically reverts to the mother until the child is 12 years old. For religious judges, the precepts of their faith were believed to bring a harmony and balance to the child's life, as the separate custodial and guardianship roles designated to men and women complement the needs of children;

There is no opposition between both, but the woman would be in the custody of the child and the father in guardianship, because the father is responsible for the expenses. He would spend for his education, for his upkeep, for everything that the child needs for his care. Even when it's the custody of the woman, the expenses are paid by the man not the woman. The woman would not be asked to provide anything. So the guardianship is not there to kind of oppose the custody. The man has to do this for his own child. It's just the custody is one thing and the guardianship is another thing (Judge - Sunni court)

Here we see a sentiment shared among the religious courts that their family laws request distinct roles for the mother and father not to put the father in superiority, but to create a settled environment where their duties can complement the needs of the child. This was a driving factor behind the courts also placing custody with the maternal or paternal grandmother in the event that a mother dies or her custody is revoked. The same happens when a father dies, a male from the paternal or maternal

side is then assigned guardianship. This, juvenile judges explained was in-keeping with their aim to ensure that children continue to have the positive influence of a male *and* female caregiver in their life.

Touching on from the issue above, when judges at the religious courts that participated were asked to define the best-interests of children, they uniformly placed a strong emphasis on family and a notion of belonging. Religious judges explained that when they are confronted with decisions regarding the long-term care of a child, for instance the child has been orphaned by a parent or they have deemed a parent inappropriate to care for them, the courts aimed to find alternative solutions within the immediate family;

In Islam if both parents are not good enough then the custody would be for the grandmother or the mother of the Father. The kid with his grandmother would feel the passion and the safety better than putting in with an institute. Staying within the family is always the best. If the father, is not good then the father of the father. If the mother is not good, then the mother of the mother. We stress that the custody and that the raising of the child should be within one single family. So we wouldn't want to send a child to an institution because we feel that there's always an option within their family or wider family, they have relatives. (Judge - Sunni court)

We see from this extract how this translates into decision making that to every end, attempts to keep children within their natural family, placing the care and custody of children with parents, grandparents or extended family. However, at a deeper-level, the above quote also captures a widely-held principle shared between the confessional courts. Namely that decision making with regards to the child's best interest is underpinned by a strong family and community focused ethic. The child is not seen to be whole without a family life, realised by both male and female caregivers and a secure identity rooted in religious and communal belonging. Connection to the natural family was thus seen as preceding all other concerns; in this sense the family is the first and last resort for children in the religious sphere. The threat of disconnection was what judges at the religious courts felt was particularly damaging about institutional care for children;

It is not only out of a religious perspective that we need to keep them outside of institutions and keep within the community, it is out of a social responsibility. Of course there is a religious aspect to it, but it is not the only one. Because if they stay in an institution outside of their family, outside of that love, that care, that feeling they are with a people and community who care for them, of course they will suffer too much psychologically in the future (Judge - Druze court)

Thus religious judges explained their preference to encourage families to find solutions to children's care within the extended family, especially when a child has been orphaned. In instances where the religious court has decided to revoke a mother or father's custodial rights, as explored, custody is then routinely granted to another prominent male or female in their family. Interviewees from the religious

courts also told how the focus of much of their charitable activities aimed at alleviating the social and economic drivers that lead to family breakdowns, preferring to tackle children's problems at their root cause. While interestingly at the Maronite courts, a specific department for family reconciliation housed trained counsellors which aimed to prevent the breakdown of marriages and where this was not possible, reach amicable custodial agreements that allowed both parents access to the children. As we can see the findings therefore strongly indicated that cases brought before the religious courts which involve decisions about the child's long-term care are governed by a strong ethic of family and community belonging.

However, some participants from civil society organisations felt that the religious courts' focus on family cohesion and children's belonging was to the detriment of their individual rights;

You can differentiate between what the religious judges think of best interest and what the government think, what NGOs think and what civil society think. Religious judges think mostly about the best-interest of the child as part of the community and as part of the family as opposed to as an individual. And that is the difference I think... (Manager - International NGO 1)

This passage expresses a concern among interviewees from civil society and governmental circles towards the religious courts; a concern that the principles which underpinned the religious courts put groups, before individuals. That the narrow focus on doing what was for the 'good' of the family unit overshadowed the child's individual rights to protection and wellbeing as defined by the juvenile courts and Law 422. If we compare interviewee's responses we see that in essence the religious courts and the juvenile courts operate under contrasting values when it comes to children's best-interests. At the juvenile courts and among civil society organisations greater emphasis was placed upon the interest of the child, as an individual. Whereas at the religious courts, the child's interests were defined more firmly within terms that lodge them as a part of a familial and communal whole.

In sum, we can therefore see how contrasting principles are at work in the religious courts compared to the aims and principles underpinning the statutory child protection system. The tenor of Law 422 and the work of governmental and civil society partners underscores children's individual development, safety and wellbeing as the foremost concerns in decision-making processes. Whereas at the religious courts, participants explained that best-interest decisions were ruled by the age of the child, the gender of their parent, their religious upbringing and rootedness to a familial and communal belonging. This is not to say that findings indicate the religious courts showed disregard for children's wellbeing, to the contrary, interviews showed they were clearly concerned with the welfare and happiness of children. However, the way they defined what was in the best-interest of children, contrasted significantly with the aims and purpose of the wider child protection system. This is a concern for child protection nationally as the religious courts are still involved in

determining children's outcomes; presiding over custodial hearings, separation processes and care arrangements for orphaned children, and as explained, are heavily implicated in tackling risk-related issues such as domestic violence. The disparities in principles that underlay the operations of the two courts systems and their interactions with children and families also contributes to the barriers that exist coordinating the two systems to address child protection.

Theme 11 Tensions between state and religious authorities over alternative care

The final theme that came out of analysis of the participants interviews was the overarching tension that existed between the state and the religious authorities when it came to the alternative care of children. As previously explored due to the consociational arrangement of Lebanese politics, personal status matters including child custody are under the control of the nation's various religious courts. This means that family-based alternatives such as fostering and adoption have to be sanctioned by religious judges. As participants explained, this has severely limited the scope of available options for juvenile judges presiding over protection cases;

We know sometimes separation is in the best interest of the child, but we are talking about the minority of cases; at that time there should be several types of alternative care. They should be community based, family-based, not just institution based, not just centre based. And of course this is after exploring whether in the extended family there is an opportunity for the child to be cared for if supported financially. But really the only step the juvenile judge has power to take is remove the child and place them in a residential home (President - Lebanese NGO 7)

The above quote illustrated interviewee's apprehensions that the country's child protection system cannot offer positive alternative care options for children who need to be removed. Findings showed that the main reason participants believed there was this struggle to have more varied and particularly *family*-based choices was the constitutional red-lines that surrounded personal status matters and limited the juvenile courts from authorising adoption or foster-placements;

Well for example adoption is a little bit, a little bit of a red line. The juvenile courts cannot do this and there is a conflict between some religious courts. Like in the Islamic religious courts adoption is forbidden you cannot do this. But in the Christian courts they accept it, but is rare (President - Contracted social work agency)

As we see in the above quote, religious custodial laws were considered to have produced an obstruction to the expansion of adoption as an alternative care choice for the statutory protection system in Lebanon.

Interviews with judges at the Druze, Sunni and Shi'a family courts confirmed their stance that adoption should remain prohibited as the practice attempts to

undermine the God-given reality that the child is not related to the adoptive family. Instead, the Islamic courts endorsed Kafala, an alternative they believed was psychologically less traumatic for children;

So Islam calls to treat the child as similar as our own kids, we give him the same equal level with our own children in terms of education and expenses and love and everything, but without the full status. Because adoption is to change the biological reality and it doesn't give the needed results. Because when this child becomes an adult and knows that this woman was not his real mother and this man was not his real father they would go through a really tough psychological trauma (Judge - Sunni court)

As we see, Kafala is similar to a permanent fostering placement, where the child is cared for in a substitute family with the full-knowledge they are biologically unrelated and thus won't have the same inheritance rights. However, despite this opportunity within Islamic law to have children looked after in substitute families, interviewees explained that in Lebanon Kafala was practised in a narrow sense, with Muslim families opting only to sponsor the upkeep of children in Islamic orphanages as opposed to actually taking children into their own homes. As a result, participants from the civil society sphere believed there was a need to engage with religious communities about Kafala to encourage more Muslim families to consider taking children into their homes as opposed to the concept being only associated with charity and institutional care. In discussions with participants from the Maronite courts, they explained that full-adoption was permitted within their faith, but remained uncommon;

What I'm saying is usually this happens when the child is very young, like when the baby is first born. If there was an adoption of a young age, so like 1 week or 2 weeks or 1 month they would adopt him and they would take the full responsibility, as if they are their original parents. If the adoption was on an older age we don't have anything called foster care as they have in Europe or in America. But here we have establishments, like in the monasteries and some nuns would take the kids (Social worker - Maronite court)

The data hence showed that at the Maronite courts despite adoption being permitted, it was largely reserved for infants and as a result there was still a reliance upon institutional settings to provide the bulk of alternative care for children from these communities.

The findings thus demonstrated that a core tension existed between the state and religious authorities; the former needing to expand the alternative-care choices available to the protection system while the latter still retained the legal power to sanction family-based alternatives such as adoption and kafala. As already explored, no formal coordination exists between the religious and juvenile courts; both operate independently. This means there is also no cooperation between jurisdictions to

arrange placements for children requiring new families. To resolve this impasse and grant the juvenile courts greater powers to place children with alternative families, some civil society organisations were looking for ways to utilise existing legislation. These participants claimed article 9 within Law 422 could be interpreted to grant juvenile judges the power to authorise short-term family placements;

In the Lebanese Law 422 there is the Article 9 which is really loud and clear, it says that the judge has the liberty to take all the procedures of protection necessary including referring the child to a trusted family or to a government trusted establishment. The article actually starts by saying family, I mean it is clear that the first choice is a family (Legal expert - Lebanese NGO 3)

If the whole of his extended family is actually bad I will send him to a social establishment or even with an alternative family. We have this in the law, it is Article 9. Now I can't as a judge of the Juvenile Court allow the family to adopt them, but I can put him with them because it is a form of protection to place this child with that family. It is there, it's within Article 9 you can send a child to a family that you trust or to a social establishment (Juvenile judge)

As the above quotes illustrate, interviews demonstrated that although the authorization of adoption or Kafala was outside juvenile judges' authority, the option to place children within a substitute family is legally on-hand. Participants at an NGO working to improve recognition of this law explained that the power for juvenile judges to authorise the placement of children with an alternative family was not widely known within the protection field. And in fact, due to a lack of a viable framework to make these placements, only a handful of children had ever been authorised to live with a new family by the juvenile courts;

A judge can make a decision to put a child within a foster family, but he will be responsible. So the judge is always in fear that the foster family is not going to be good enough to look after the child and also they are apprehensive about the lack of follow-up that's going to be provided if they do place a child in a foster family. So that is a big gap too. There is no framework for the fostering. We don't have any criteria and we don't have any system in place to go and check if the child is still well, if the family are looking after them. (Legal expert - Lebanese NGO 3)

The findings therefore established that although most juvenile judges felt the needs of children removed, abandoned or orphaned were better met in a substitute family, the lack of framework in terms of a fostering network that trained families and supervised placements, meant these decisions remained a rarity. If a comprehensive and robust system was set in place, participants explained that technically the state had the authority to develop its own fostering system, entirely independent of the religious courts, by working within the legal provisions already contained in Law 422. However, some participants from prominent NGOs were sceptical whether fostering networks would indeed grow without the endorsement of religious authorities. And

despite these potential avenues, still adoption - the permanent integration of a child within a new family - would remain a decision to be taken only by the religious courts.

Together, the data showed the barriers to increasing adoption and fostering placements meant residential homes still provided the mainstay of care for children removed from their family by the protection system, or children that have been abandoned or orphaned. Participants explained that the state, despite working to curtail the over-institutionalisation of children, had been left with little option but to persist in contracting children's homes to provide the requisite substitute care for the protection system. However, the findings showed that this overreliance on a singular form of substitute care had led to additional problems;

The other conflict when the judge decides to refer the child to a centre and to be away from family for a while. We don't have enough internal centres or safe centres to host the number of children, so in Lebanon the need is always more than the spaces we have (Case manager - Lebanese NGO 1)

As this quote exemplifies, participants felt that even the institutional care being provided was overburdened and that this had drastically affected the one-to-one care and attention children received. There had also been calls to improve the scrutiny and oversight of children's homes by introducing legislation on minimum standards, something currently missing from Law 422 and the SOP. In general however, the data strongly demonstrated a clear concern in the field that the protection system faced a shortage of options for children needing substitute care and that the only alternative available, institutional care, was now overburdened.

The struggles cementing alternative care choices was believed by participants from the juvenile courts and state ministries to have been a major obstacle to meeting children's needs in Lebanon;

I have only one problem, the law gives power to judges so that they can remove the child from their family - now my problem was that where do you put that child if I was to remove them from their parents? I would normally think that it is better to keep him with his natural family or extended family. But if the family is not good we will try and search and really the only option is an orphanage or something like that. That was really my only problem (Former President - Juvenile courts).

As the above extracts illustrate, there was a belief amongst those at the heart of juvenile justice that a lack of alternative care options was limiting the system's ability to respond with interventions that truly served the needs of the child. The continued control religious courts held over adoption and kafala meant state institutions faced considerable impediments utilising the available resources and infrastructure to deliver a protection system which provided viable alternatives to children living in danger. The findings therefore established that the tension which existed between the state and the religious courts over alternative care in Lebanon had serious

repercussions for children's needs. Currently no unified or coordinated system for locating and processing alternative care arrangements for children needing new families existed between the two jurisdictions and both had fundamentally contrasting perspectives on children's care in alternative families.

Chapter 6. Discussion

Introduction

The previous chapter presented the findings from the thematic analysis. This chapter will now discuss the significance of these results in relation to the research question and objectives and to broader debates regarding child protection in Lebanon, the MENA region and internationally. This chapter has been arranged under subheadings that address principal elements of the research question and objectives - which are repeated here to remind the reader;

Research Question:

To what extent can Lebanon reconcile child protection with the country's wider tradition of civil society organisation and religious authority?

Objectives –

- To explore the model of child protection that has developed over the last 20 years
- To examine how the statutory child protection system interacts with civil society to address children at risk
- To investigate to what extent the model has reconciled the ideological and practical implications of religious power-sharing in Lebanon
- To investigate the implications for children at risk

The development of the child protection model in Lebanon

One of the principal objectives of this study was to explore the model of child protection that has developed over the last 20 years and particularly since the introduction of Lebanon's first child protection legislation in 2002. Through the literature review we were able to establish the plural nature of Lebanon's protection environment, where the responsibility for children at risk is diffused among a large variety of stakeholders including the state, religious courts, INGOs, local NGOs, faith-based organisations and community networks. This study makes a significant contribution to our further understanding of how the protection system in Lebanon continues to evolve. As explored, the most recent available study on Lebanon's protection system was conducted by UNICEF in 2011. This thesis' first finding, 'the state's increased direction of the protection field', demonstrates that since 2011 Lebanon's protection field has experienced a period of immense change. Most centrally, policies introduced in 2014 (including standard operating procedures, a child protection working group and increased presence of state social workers) by the Ministry of Justice and Ministry of Social Affairs have attempted to significantly

reshape the sector, changing the way protection is ordered and governed. These programmes have sought to restructure what was previously considered a fragmented and disjointed field, into clearer and more distinct routes for addressing childhood vulnerability - the judicial and the non-judicial pathway (ISS 2006, Save the Children 2011 and UNICEF 2011). It has also signalled a substantial shift in the interactions between the state and civil society, as the government takes a more pronounced role in steering the protection field.

To recap, this study learned that under the newly introduced dual-pathway model, the *judicial* pathway is reserved for cases of extreme severity, which are to be handled *exclusively* by the state judiciary and mandated social workers under Law 422. After investigating the validity of allegations, judges uphold the child's right to protection, which may involve the punishment of adult perpetrators, the removal of the child from a harmful situation and placement in an alternative home. The *non-judicial* pathway has been designated to meet the needs of children *at-risk* of maltreatment. It is the purview of the vast assembled network of NGOs operating in Lebanon, some of which are directly contracted by the government, others operating independently. Through the recent introduction of the SOP, the role of civil society is now more clearly defined than reported in previous studies of the protection system (ISS 2006, Save the Children 2011 and UNICEF 2011). The work of civil society should be limited to preventative programmes, providing services that mitigate the risk of maltreatment or abandonment by targeting assistance at psychological, material and social challenges in the child's environment. When family engagement with this support halts, abuse is detected or the child's situation significantly deteriorates, then the SOP guides NGOs to refer cases to the judicial pathway where an investigation will begin. The creation of separate referral-pathways and accompanying standardised procedures is intended to systematise practice in the field and ensure civil society is working in conjunction with, as opposed to isolation from, the statutory system. It is a policy response which directly addresses the criticisms previously made that the field was disjointed and uncoordinated, leading to inconsistent protection responses (ISS 2006, Save the Children 2011 and UNICEF 2011). It also provides juvenile judges with a wider scope of interventions to assist vulnerable children, mitigating the escalation of harmful situations before the removal of the child becomes necessary.

The establishment of a dual-pathway model, underpinned by standardised practice guidelines, is a significant development in the evolution of the protection system in Lebanon and due to its recency, is something yet addressed in the literature. As suspected from the outset, the protection model evolving in Lebanon does not fit neatly into the pre-existing protection vs service-oriented brackets suggested by the leading theories from Gilbert (1997) Gilbert *et al.* (2011) and Parton (2014). Unlike these theoretical models, the mandate for child protection in Lebanon is not condensed within standalone public agencies but spread across the pluralistic social welfare delivery system in Lebanon and the dense network of local NGOs, political patrons and RWOs that sustain communities. The state's decision to

amalgamate civil society into a formalised protection role gives Lebanon's protection model its distinct profile. Within this system, the state has positioned itself as the institution of last recourse; intervening only to protect the child already facing significant harm. Beyond attempting to better regulate and coordinate the activities of civil society; the state stands primarily as the final 'watchdog' for children's safety (Parton 2014). While civil society has been attributed the substantive responsibility of preventing maltreatment, detecting risk and providing front-line services to struggling families. What now fuses these spheres is the SOP, which has established a common framework for responding to maltreatment. What the state has therefore attempted to achieve is a system which collates the efforts of civil society to improve the welfare of families and children with the legislative mechanisms established in 2002 for responding to children's harm. Child maltreatment within Lebanon's protection model is therefore both framed as a criminal act requiring judicial investigation, *and* a symptom of psychological and social pressures which are receptive to therapeutic services and assistance. In this sense there is hybridity in the orientation of the Lebanese system, combining responsive and preventative strategies for addressing maltreatment by combining the work of the state judiciary with civil society.

As explored in chapter 2, national protection models are typically informed by their social, political and economic surrounding, as well as the welfare regime that is present (Gilbert 1997, Cameron and Freymond 2006, Gilbert et al. 2011 and Parton 2014). It is this thesis' contention that the dual-pathway model to have evolved in Lebanon is indeed a product of *its* environment. In many aspects it mirrors the nation's overall public policy agenda, where the state provides minimal social safety nets targeted at the most vulnerable sectors of the population, while social welfare at large is the responsibility of civil society organisations and movements (Jawad 2009b, Cammett and MacLean 2014, Cammett 2015, Carpi 2017 and Baumann 2019). Similarly, under the dual-pathway system, only children facing severe danger are the direct concern of the state. The broader scope of preventing maltreatment, addressing familial dysfunction, supporting community needs and safe and nurturing home environments for children is the responsibility of local, non-state assistance. Of course, funding of the non-governmental sector by the state and the linkages between NGOs and political movements in Lebanon blurs any clear boundaries between state and non-state. However it remains that the child protection system echoes a public policy approach where the *delivery* of social welfare is assigned to non-governmental organisations, foundations and institutions operating at the community-level, while the state itself prefers to remain at the margins; financing and regulating these activities and only intervening directly when these systems have failed to keep children and families safe (Jawad 2009b, Cammett 2014 and Deets 2015).

It is this thesis' contention that the practical difficulties operationalising protective laws in a society driven by community-based and civil society-driven social support also influenced the gradual development of the country's dual-pathway

model. When Law 422 was first introduced in 2002, there already existed a panoply of foundations and organisations that were working to address the needs of vulnerable children (Jawad 2009b, Cammet and MacLean 2014, Cammett 2015, Carpi 2017 and Baumann 2019). As a new domain of state practice, the state was confronted with the crucial challenge of positioning a newly assembled protection apparatus in relation to the existing power and influence of the vast network of civil society organisations already addressing maltreatment (Loveman 2005). As previous studies have shown, in the initial stages following the launch of Law 422 the statutory system and non-governmental sector operated in parallel to one another, with few measures to coordinate their activities (ISS 2006, Save the Children 2011 and UNICEF 2011). Evidence collected by this study shows the state has responded to these challenges by developing policies that build bridges between the efforts of the state and civil society. The difficulties the country has faced operationalising a protection system and the policy remedies subsequently developed, offer significant lessons to the development of protection systems in other, similar settings. Like Lebanon, where the weakness of the state, traditions of laissez faire and communal self-sufficiency have contributed to the evolution of a dense, non-state welfare network (Cammet and MacLean 2014 and Cammett 2015). Other countries with burgeoning protection systems may also grapple with the difficulties of directing complex, non-governmental and communally mobilised support mechanisms toward a unified child protection agenda. As explored in chapter 2, research shows social support in other MENA countries is also often characterised by diverse non-state provision and networked welfare support (Al-Mahroos 2007, Jawad 2009b and Jawad and Yakut-Cakar 2010). The examples drawn from Lebanon in terms of incorporating civil society into a formalised protection role could offer important lessons for the region and internationally. This study has begun the process of documenting these developments in Lebanon, but further research is essential to continue our understanding of how the statutory system and civil society consolidate their efforts to provide a consistent protection response.

As with all protection models, there are inherent strengths and limitations; it is this thesis' contention that the dual-pathway system in Lebanon is no different. In terms of its strengths, Lebanon's protection system can be said to be attuned to the social, political and institutional realities of the country. Previous studies have criticised Lebanon's child protection system for being too widely spread; comprised of a confusing array of governmental and non-governmental institutions with a direct or implicit role to play (ISS 2006, Save the Children 2011 and UNICEF 2011). Yet due to the weaknesses of the state, the lack of resources available to ministries, struggling infrastructural capacity, shortage of trained public sector personnel and long-held tradition of contracting-out public services; a centralised protection system where public institutions took responsibility for prevention of risk, detection of harm, management of cases and delivery of services was always unrealistic and not necessarily desirable (World Bank 2015, Haase 2018 and Baumann 2019). Unlike the state, civil society in Lebanon possesses the experience and personnel to provide

multi-level interventions, including targeted treatments, therapy, counselling, parental training, income generation support, educational support and other vital assistance that strengthens the child's caring environment. The model of protection erected in Lebanon over the last 20 years has, it can be argued, shrewdly tried to incorporate the rich resources and expertise that already existed at the community-level. When child protection legislation was introduced in 2002, in the short- to medium-term at least, it was obvious the government would need to draw upon civil society organisations that were already deeply enmeshed in working with struggling families and vulnerable groups of children. Drawing civil society into a formal pathway has given the Lebanese state greater scope to now regulate the sector, hold it accountable for safeguarding standards and develop a linkage between grass-roots mechanisms and a focused strategy for tackling maltreatment.

Another advantage to the state's drive to incorporate civil society into the child protection framework, is that local organisations act as a vital corridor to accessing vulnerable families in the community. As explored in chapter 2, local welfare organisations have proliferated in Lebanon because people prefer to seek help from organisations they feel personally connected to, be it communally, geographically, religiously or any other way (Routier 2008, Cammett and Issar 2010 and Cammett 2015). Given the nature of community-driven welfare support and coping mechanisms in Lebanon, studies have shown that children facing difficult circumstances are more likely to fall under the radar of local organisations (ISS 2006, Save the Children 2011 and UNICEF 2011). The intimate knowledge local institutions have of the families in their community, the struggles of marginalised or oppressed groups and the local socio-economic stressors that may precede maltreatment make these organisations well placed to address local concerns effectively and appropriately (Cammett and MacLean 2014). The more local organisations working under the umbrella of the child protection system - preventing maltreatment and detecting and reporting harm in the community - the more responsive the system can be.

Incorporating civil society therefore ensures the protection system operates as a broad and pervasive structure, extending into increasing avenues of the child's environment. Furthermore, as the findings from this study and other studies have shown, the state as represented by social work teams is frequently viewed by communities as an untrustworthy, outside 'intruder' in familial affairs (ISS 2006, Save the Children 2011 and UNICEF 2011). The social work teams of the judiciary have therefore repeatedly met barriers engaging with families and communities, as a social taboo around child mistreatment remains engrained. The sensitivities around maltreatment issues, low reporting rates and aversion to state interventions, as previously intimated, is common in the MENA region (Holtzhausen 2011, Fayez et al. 2014 and Al-Faryan et al. 2019). Organisations operating at the community-level, as other studies have established, regularly garner greater trust and confidence from local populations as they operate according to dominant cultural traditions of group solidarity, community and familial connection (Routier 2008, Cammett and Issar 2010

and Cammett 2015). Integrating trusted organisations into a protection framework therefore further increases the scope of the protection system to effectively connect with families and children of concern and engage with communities regarding sensitive issues such as child marriage, domestic violence and child punishment. The gradual attempt to incorporate civil society into the fold of the child protection system can therefore strengthen it, as in many respects the system can be said to 'fit' Lebanon's national context, where at grass-roots level it is non-governmental institutions that engage most frequently with vulnerable families and children.

On the other hand, the second major finding from this study, 'the continued implementation issues facing the statutory system', show there are some limitations to the strategy developed by the government of Lebanon. Most pertinently, there remains a question mark as to whether the measures for regulating and harmonising civil society's role in child protection are sufficient. Recent government initiatives have undoubtedly given the state greater scope to steer the field and hold civil society more accountable for its practice. However, it is this thesis' observation, based on the evidence collected, that to standardise the practice of Lebanon's vast net of non-governmental service providers there needs to be more stringent rules on reporting requirements and observance of newly introduced national standards. Although the SOP is substantiated by soft-powers (any organisation seeking to receive or maintain state funding must apply its procedures) in large part it relies on the good will of civil society to implement the manual and its guidelines. Findings showed that many organisations still operated independently, according to their own criteria and had failed to commit entirely to the SOP. Thus, although the sector has moved towards a more harmonised agenda; there remain organisational outliers and the attached danger that children fall through the cracks between agencies. For the dual-referral system to be effective and maltreatment responses consistent - mandatory reporting legislation, which would make it punishable for organisations and professionals to fail to report the detection of acute risk and uphold safeguarding standards, is a growing necessity. The introduction of mandatory reporting requirements is thus one of the *major* recommendations to be made by this study.

In addition to the limitations of the policy programmes introduced in recent years, there are broader conceptual limitations to the dual-pathway model in Lebanon. The system that has evolved attributes a heavy reliance on civil society to be the fundamental access point for vulnerable families to receive assistance and for the detection of risk in the community to take place. Although this provides the state with a network of organisations engaging with local communities under the umbrella of the protection system and Law 422, there are no guarantees this network is wide ranging enough to ensure universal access for vulnerable families. As the findings showed, not all NGOs share the same capacity to conduct rigorous assessments and case management in-line with the demands of the SOP. It also remains that many NGOs in Lebanon are related to political patronage or religious affiliation, meaning they will predominantly target in-group members (Cammett 2015). This makes the concept of a universally accessible and consistent structure for responding to risk

problematic. Although the socio-political nature of Lebanon means these organisations will inevitably provide vital corridors for engaging with communities, there is no guarantee this network is wide reaching or equitable enough to ensure services are freely accessible to all vulnerable children and families. Thus, although some studies have explored general patterns in the Lebanese population's access to non-governmental welfare services and this study has contributed to a better understanding regarding the integration of community-based social welfare and child protection (Jawad 2009b, Cammett and Issar 2010, Cammett 2015 and Deets 2015). Further research is required to explore how vulnerable children engage with services, the coverage of programmes detecting maltreatment risks in Lebanese communities and a mapping of where the strengthening of programmatic assistance is required.

In sum, the model of protection in Lebanon is a complex and ever-evolving relationship between the various cogs which sustain welfare and wellbeing in Lebanese society. Recent government initiatives, which have been studied for the first time by this thesis, undoubtedly represent something of a sea-change in policy narrative, as the *state* seeks to execute greater direction and oversight of the field. The establishment of a second, preventative referral-pathway has recognised a more formal and systematised role for civil society. This has offered a new means for Lebanon to reconcile the development of a child protection system with the long-held tradition of civil society being the main conduit of welfare delivery and social needs. The picture developing in Lebanon also holds significance for the evolution of the protection literature base and its suitability to international cultural diversity. Existing theoretical models are indeed unsuited to appreciating the fundamentally different arrangements that can exist outside the context of high-income, Western European and North American nations (Gilbert 1997, Gilbert et al. 2011 and Parton 2014). In Lebanon, the nature and formation of the state, the dynamics of its population and prominent role of non-governmental welfare mechanisms have given birth to a very particular set of arrangements for framing, detecting and addressing maltreatment. A hybrid system now exists which, through a dual-pathway structure, attempts to consolidate a punitive statutory system for responding to danger with the efforts of civil society to prevent, detect and mitigate risks. In other societies engaging with civil society might be seen as an added benefit to the public agencies established for responding to maltreatment, in Lebanon it is an *indispensable* factor in developing a network for detecting and addressing maltreatment in the community.

More research is essential to measure the impact and efficacy of the SOP and dual-pathway model in the coming years. This will allow us to gather important lessons regarding Lebanon's attempt to better integrate civil society into the child protection system. More scholarly work is also needed to begin building a theoretical framework that is better suited to the social, economic and political dynamics of Lebanon and the MENA region more broadly. This can only be achieved through comparative analyses of the development of protection models in the area;

ascertaining the important similarities and differences in the substance of protective legislation, the experiences operationalising systems and orientation of professional practice. This study has far improved our understanding of the model being developed in Lebanon. The next step is to begin building networks with other research efforts across the MENA region and combine findings to develop more appropriate paradigms for framing child protection.

Increased national direction of the child protection agenda

Another crucial element to the findings from this study were those relating to the state's increased command and ownership of the child protection agenda in Lebanon. In chapter 2 we saw that child protection as a distinct, legislative practice is still a relatively new and contentious phenomenon across the MENA region (Al-Krenawi and Graham 2003). It continues to require careful translation into culturally appropriate and effective practice. The historic legacies of colonialism and biases of western values in the proliferation of social work as a profession have meant the role and identity of child protection remains contested (Al-Krenawi and Graham 2003 and Midgley 2007). The findings from this study show that Lebanon, like other countries in the MENA and developing regions more broadly, has been grappling with the competing forces of globalism and localism in the search for its own culturally-apt model of intervention (Al-Krenawi and Graham 2003).

As discussed in the previous chapter, the findings from this study established that the recent policy course chartered by the government has aimed at increasing the state's steering and regulation of the protection field. Crucially, these policies have also been introduced with the underlying ambition of garnering greater national proprietorship of the values and methods driving the country's child protection efforts. Participants explained that the state's previously weak presence in the sector, coupled with the instrumental power international donors and NGOs wield meant the child welfare agenda had been directed according to external expectations. This meant the scope of the field, in terms of its core practice techniques, principles and objectives had to a significant extent been shaped and moulded by outside forces. In this respect the dominance of the international community was seen to have thwarted the growth of a national child protection identity, informed by local ideas and perspectives. Government staff explained the motivation behind the introduction of the SOP's national guidelines was not just to improve coordination and systematise referrals, but also to revitalise a sense of national ownership of protection practices. Hence the design of the SOP involved the active participation of key stakeholders in Lebanese civil society, who in alliance with the state developed a nationally convened strategy for improving best-practice and tackling maltreatment.

These findings possess significance to a series of debates in the child protection literature. As discussed in chapter 2, perspectives on indigenisation and

localism of social work practice have explored the dominance of Western practice approaches and theories (Gray 2005, Askeland and Payne 2006, Midgley 2007, Gray and Webb 2008 and Healy 2008). In Lebanon the place and role of international NGOs has frequently been a contentious issue as their power and reach is seen to undermine local decision-making and engender a dependency on foreign donor investment (Abouassi 2010 and Deets 2015). The findings from this study demonstrate that the international community's legacy of involvement in child welfare in Lebanon is seen by many in the field to have had the adverse effect of inhibiting a *domestic* protection strategy and practice tradition. In this respect state personnel framed recent policy initiatives in terms of recapturing sovereignty over child protection. Under its increased direction, the government hoped to encourage a culture of practice rooted in national concepts and experiences; ensuring the system better reflected local realities. By playing a bigger role in governing protection operations, it was hoped the gained experience would strengthen the autonomy of the state and alleviate the nation's dependency on international NGOs to buttress child welfare. Together these findings show a state striving to achieve a greater sense of national resolve.

A meaningful change in the relationship between the state and civil society (more specifically international NGOs) has therefore taken place in recent years. Government ministries have attempted to renegotiate the direction and proprietorship of child protection as a national issue. As previous studies have shown, most supranational bodies and NGOs addressing family and children's welfare work according to internationally recognised modes of assessment and case management despite operating across divergent political, economic and cultural contexts (Gray 2005). As this study has established, many of the international NGOs in Lebanon have been reluctant to depart from their internal procedures to accommodate Lebanon's push for nationalised standards. These emerging tensions reflect discussions in the social work literature about the potential oppression of international standards in the global field (Gray 2005, Askeland and Payne 2006, Midgley 2007, Gray and Webb 2008 and Healy 2008). The government's determination to establish home-grown norms in the face of international pressure is one example of a shared, global struggle for countries outside the West to establish authentic protection models that can reflect local values and principles (Gray 2005, Askeland and Payne 2006, Midgley 2007, Gray and Webb 2008 and Healy 2008). The policy actions by the government, along with its consultation with grassroots NGOs, represent a form of mobilisation against the pressures of international expectations and agenda setting; instead incorporating values and practices into the protection system that have been informed by domestic perspectives. It also signifies a declaration of the government's stake in children's welfare nationally and its right to regulate the actions of all entities, according to its own criteria.

The recent changes in perspective toward international agencies and the dominance of their practice paradigms means Lebanon provides an important case study for further research on the growth of indigenous and localising practices. The

data from this study clearly demonstrates that the government and local NGOs saw the emergence of domestic practice guidelines as an act of national resilience to the dominance of external norms and ideas. The long-term sustainability of the protection system in Lebanon is seen to be intimately tied with a process of localising the methods and standards which underpin the sector. Time will tell how effectively the government gets international agencies and the protection sector more broadly to commit to national principles and safeguarding protocol. Further research is needed to document the progress of this undertaking and its consequences for children at risk in Lebanon. More is also needed to understand how international organisations accommodate these shifts towards nationalised standards and their role in driving national child protection agendas. However, from the perspective of this thesis, it holds that the government's recent attempt to inspire a common drive towards a nationally owned and supported protection identity, will promote practices that are better suited to local challenges and understandings of family life and childhood. This will produce a more effective professional practice environment; however it will need to be carefully negotiated to ensure national standards don't themselves become oppressive and block the broad-range discussion needed to settle on an optimal national protection model.

Continued tensions between religious communities and the state

A further objective of this study was to investigate to what extent the protection model in Lebanon has reconciled the ideological and practical implications of religious power-sharing in the country. Findings illustrate tensions between religious authorities and the state continue over the protection of children. As chapter 2 described, like much of the MENA region the expansion of child protection measures in Lebanon has "spurred fierce debate over the competing roles of religion, tradition and the state in the upbringing of children" (Stack 2008 p:1). Child protection has sparked particular controversies in Lebanon as the state is formed through delicate consociation between the nation's religious sects and the constitutional principle of religious self-determination over family matters. It is a system of institutional governance that has hitherto been poorly addressed in the leading theoretical discussions of child protection (Gilbert 1997, Gilbert et al. 2011 and Parton 2014). In the main academia has failed to explore adaptation of child protection legislation to socio-political environments where religious foundations, laws and courts have considerable command over family affairs. The main schools of thought on social work and child protection are western-centric, developed under the assumption of a strong separation between religious and civil life (Gilbert 1997, Gilbert et al. 2011 and Parton 2014). Religious power-sharing in Lebanon has compelled the state to search for culturally and constitutionally viable means of accommodating a statutory child protection system. The findings from this study show that when it comes to the protection of the child there remain unresolved

challenges in balancing the competing roles and interests of the state and religious authorities in the country.

If we look to the examples from other countries in the region, the incorporation of religious traditions and values into the mechanics of the protection system has taken place more readily. For instance, as discussed in chapter 2, Jordan and Saudi Arabia which are majority Muslim, have developed systems founded on Sharia law or as in Jordan integrated an Islamic government ministry to assist in arranging Kafala placements for children requiring alternative care (Cocks et al. 2009, Manara Network 2011 and Al-Faryan et al. 2019). Religious figures, values and customs thus underpin protection arrangements in these countries, making them well-adapted to the prevailing cultural belief and value systems of the families and communities they serve (Cocks et al. 2009, Manara Network 2011 and Al-Faryan et al. 2019). In Lebanon the unique pressures of consociationalism, the need to respect religious diversity and autonomy, have made the development of a homogenous system impracticable. A decisive detail of power-sharing in Lebanon is the declaration that the family sphere is the arena of religious law and the traditions of the nation's various sects. The balancing of respect for religious autonomy and operationalisation of protection legislation has been a persistent dilemma facing protection efforts in the country (ISS 2006, Save the Children 2011, UNICEF 2011 and CPEWG 2013).

Research to date has reported that the consequence of consociationalism in Lebanon is that child protection law holds an ambiguous authority, as juvenile courts are forced to make restricted decisions to avoid encroaching upon the jurisdiction of the religious courts (ISS 2006, Save the Children 2011 and UNICEF 2011). This study however found that in recent years the Lebanese state has pursued an unswerving strategy to better reconcile its developing protection system with the presence of the religious courts. Through an adversarial approach involving multiple legal challenges, the state has gradually established principle authority over the child's best-interests and can in necessary circumstances, over-rule a religious court decision deemed to endanger a child. This has redrawn historic boundaries between state and religion in Lebanon, with the responsibility for the child being pulled more firmly under the gaze of the state.

By its very nature child protection as a state practice has therefore come to challenge existing modes that deemed the family unit as a private domain, governed by religious mores. Categorising child welfare as a secular, judicious matter has attempted to elevate the individual rights of the child above the established norms and ideals of their religious community. We therefore see that unlike the development of protection systems in other countries in the region, Lebanon has not sought to incorporate religious authorities into the protection system, but instead more firmly assert the *state's* prerogative over children's lives (Cocks et al. 2009, Manara Network 2011 and Al-Faryan et al. 2019). Yet, given this study's other

findings, it remains debatable whether the state's side-lining of the religious courts has indeed been the most effective strategy.

As fieldwork established, despite the *considerable* shifts in power and control over maltreatment that have taken place in recent years, religious authorities still maintain an instrumental hold over children's lives. The routine administration of marriage, divorce and child custody settlements are still managed in religious courtrooms; while it is religious judges who must authorise a child's adoption or Kafala with an alternative family. There has previously been no evidence collected on the role religious authorities play in addressing child and family needs and managing protection related risks in religious courtrooms. This study has established that both civil and religious legal systems operate in complete separation and according to widely differing values and principles. The religious courts view the child's best-interests in relational or connective terms; with bonds to their familial unit and religious community held as sacrosanct (Joseph 2005, Joseph 2011 and UNICEF 2011). Decision making in the evaluation of parental suitability and apportioning of child custody in divorce hearings is thus driven by predetermined criteria on the age of the child, gender of the parent and their religious piety as opposed to prioritising the child's individual requirements and wishes. While to every extent possible, when a child has been abandoned, orphaned or the religious courts deem their parents to be unsuitable - custody is granted to a wider family member.

Akin to the findings of other studies in the region, this study also found that the religious courts perceived the state's protection efforts as an 'outside' incursion in community affairs; separating children from crucial family and community bonds (Cocks et al. 2009 and Holtzhausen 2011). This underlines the tumultuous task introducing protective legislation in a national setting where a plurality of religious authorities and belief systems have traditionally governed family life. Deeply contrasting visions of child-rearing, maltreatment and protection can emerge between religious communities and the statutory system that is developed. This can provoke a strained and mistrustful relationship between religious authorities and a secular protection system. The state's policy choices in recent years have marginalised religious institutions in the national child protection project, recentralising power at the state-level through a series of legal battles. It is this thesis' contention that given Lebanon's constitutional realities and the pervasive reach of religious authorities; a more suitable strategy might have been to direct efforts at linkages *between* the statutory protection system and religious authorities.

It is this thesis' proposal, based on the observations of its findings, that measures to integrate religious institutions into the protection system would provide a series of benefits. Firstly, it would establish a critical referral pathway, as the religious courts routinely engage with families facing dysfunction, conflict and separation. The religious courts also make vital assessments on the suitability of parents or new guardians when apportioning custodial arrangements. Moreover, divorce proceedings are an instance when accusations of maltreatment or neglectful

parenting may surface and thus it is critical that a referral mechanism is in place to investigate any claims. Secondly, the strong social connections that religious institutions have with their community make them trusted and influential figures in Lebanon's plural society. Religious authorities could be powerful advocates for promoting awareness of maltreatment and confronting harmful behaviours in the community. The support and endorsement of religious authorities would also bolster the perception of the protection system, which as this study has established often struggles to penetrate at the local-level and gain the trust of families. Finally, and most significantly in the case of Lebanon, the religious courts and juvenile courts could work in tandem to locate and support the placement of children with new families, in accordance with religious precepts surrounding adoption and Kafala. This would help to mitigate the protection system's dependence on making institutional out-of-home placements.

Long-term improvements to the performance of Lebanon's protection system could therefore be made by involving religious authorities more fully within the protection agenda. The deep-seated bonds religious figures and institutions have with local communities, as well as their legal capacity to shape children's outcomes, places them at the frontline in combatting maltreatment. Currently their knowledge, influence and power to effect local decision-making and behavioural change is being omitted. Navigating the parameters of religious and civil life is always a contentious subject in Lebanon's socio-political climate. However, this study recommends re-opening dialogue with the religious courts and associated authorities about their role in the protection of children and involvement in contributing to and operationalising Law 422. This study recognises there are *substantial* challenges and risks involved in such a policy course, not least because Lebanon hosts such a diverse range of religious communities and traditions. But the immense presence and influence of religious institutions in the structure of Lebanese communities and the direction of children's lives makes their involvement imperative.

In terms of practical steps that can be taken toward achieving greater coordination between sectors, this study recommends reviving formal dialogue between the jurisdictions. This would need to be accompanied by an appraisal of entry-points for collaboration. As the findings from this study have established, all the religious courts presently have in-house social workers, family mediators and councillors that assist families and carry out assessments for religious judges on the suitability of parents. One step that could be taken to begin nurturing closer ties would be to invite juvenile court and religious court personnel to a roundtable to discuss their work and the issue of maltreatment in Lebanon. Through this forum parties could begin discussing appropriate protocol and procedures for establishing a referral pathway between jurisdictions. Similarly, religious court personnel would also be able to advise child protection professionals on culturally and religiously appropriate means of approaching protection concerns in local-communities. Of course, this would require considerable, sensitive negotiation. Imposing changes in the values underpinning the religious courts to bring them in-line with the statutory

system or vice versa should be avoided and instead parties should search for common ground. The evidence from this study suggests that although creating closer ties between jurisdictions will present major complications due to the contrasting individualised and relational views of the child and their best-interests; as well as the differing perspectives on the role and status of men, women and children in the family and society. There are prospects to breach divisions, as both jurisdictions expressed a powerful desire to keep children safe and encourage their healthy upbringing. Greater research is needed to build on the findings of this study to explore the feasibility of any potential linkages. However, at this stage, this thesis finds it clear that the major recommendation should be to re-explore the avenues to better align the religious courts and the protection system.

In sum, we know from research in the MENA area that religion and faith are significant social factors influencing childbearing, rearing and wellbeing as well as “shaping the way that child protection concerns are defined, identified and addressed” (Hutchinson et al 2015 p:396). This study provides a clearer depiction of how Lebanon as a case within the MENA region has negotiated national difficulties reconciling the development of a child protection system with the presence of religious authorities and traditions. It has also improved our understanding of how religious laws and courtrooms define and approach child risk. Although this is an evolving picture; we see that despite the state’s efforts to centralise jurisdictional power, the religious sphere still holds a significant stake in moulding children’s outcomes. The failure to involve the religious courts in the formal protection system has meant both jurisdictions work in separation and under contrasting visions of children’s best-interests. This means children continue to fall into different brackets of consideration and treatment depending on the legal authority they are in contact with. This limits the ability of Lebanon to guarantee consistent safeguarding of children’s welfare and wellbeing nationally.

Beyond Lebanon these concerns should also spur broader debates and research agendas within the child protection literature regarding the evolution of child protection systems in countries with established religious power structures and communal power-sharing arrangements. This will allow the growth of theoretical models better equipped at interpreting the emergence and function of child protection systems in such settings. More specifically, greater research is needed to compare and contrast the measures taken in the MENA region and beyond to marry child protection systems with existing religious laws, beliefs and traditions. Evidence from this study shows that if statutory systems operate entirely independently of religious power structures, communities may feel isolated. Building coalitions with religious institutions could help protection systems deliver more consistent safeguarding of children, breakdown the barriers professionals face engaging communities and at-risk families and confront the cultural taboos that surround reporting maltreatment.

Implications for children at risk

The final objective of this study was to investigate the implications for children at risk. Through the course of discussions in this chapter and the presentation of findings in the previous chapter, this study has touched upon the implications Lebanon's protection system (and its associated challenges) have had for at risk children; this section will now address some of these explicitly. Based on the data collected it is this thesis' view that the model of protection in Lebanon, despite its clear strengths, faces challenges meeting the needs of children. As explored in chapter 2, the profile of a protection system is determined by the choices made and balance struck among competing priorities (Cameron and Freymond 2006). Over the last 20 years the Lebanese state has developed a dual-pathway model; which is a hybrid system combining conventionally responsive and preventative strategies for addressing maltreatment by creating linkages between the statutory system and civil society. However, the findings from this study suggest, that the nature of the protection system means gaps remain in responding to the concerns of certain populations, while there are ongoing issues guaranteeing the best-interest of children once they enter protective measures. These issues will be discussed each in turn.

As explored in chapter 3, research in Lebanon has shown that children from 'chaotic' family environments effected by poverty and economic stressors are more prone to abuse, violence, neglect and exploitation (Usta et al. 2008 and Usta et al. 2013). The crisis of child abandonment and the over-institutionalisation of children in Lebanon has also been heavily linked to socio-economic disparities (ISS 2006, MOSA 2011 and UNICEF 2011). We know from numerous studies that the social welfare needs of substantial portions of the Lebanese population remain unmet and that there are considerable social, material and economic inequalities (Jawad 2009b, Cammet and MacLean 2014, Abouassi 2015, Cammet 2015, Deets 2015 and AUB 2016). Interviews established that much of the governmental and non-governmental protection sector recognises the complex intertwining of structural socio-economic forces and individual family-based problems in the development of children's risk. This has meant the protection of children has become implicated in responding to the instability confronting low-income households; where disruptions or breakdowns in the child's care are interlinked with the pressures of parent's economic struggles (Usta et al. 2008 and Usta et al. 2013). Findings also demonstrated that like Jawad's (2009b) study of social welfare in Lebanon, NGOs confronting poverty at the grass-roots level will often conflate poverty related needs with social care needs. Meaning children from impoverished (but safe) backgrounds are accepted into residential care facilities to improve their life chances.

This thesis argues that the positioning of child protection in relation to the social welfare challenges facing the country has had serious implications for children at risk. As formerly discussed, the state stands primarily as the final 'watchdog' for children's safety, while civil society has been attributed the substantive responsibility

of preventing maltreatment, detecting risk and dispensing front-line services to struggling families (Parton 2014). The development of this dual-pathway system in recent years has undoubtedly expanded the scope of early interventions and therapeutic resolutions to mitigate risk before escalating to the removal of the child from their family. This has to a certain extent addressed previous criticism that Lebanon's protection system is only crisis-driven (UNICEF 2011).

However, the dual-pathway model is still a remedially focused system, responding to social welfare concerns when they have already arisen. Although civil society can provide essential front-line services to assist with psychological, social and material concerns which contribute to the child's risk, they cannot fundamentally address the structural causes of social exclusion and socio-economic disparities. As the findings of other studies have suggested, Lebanon's social welfare environment is disposed toward immediate 'palliative' solutions to social grievances, as opposed to supporting sustainable, long-term development or significantly confronting systemic failings and resource inequalities (Jawad 2009b and Carpi 2017). The state has developed a protection model which, to its credit, stands ready to safeguard children from harm and offer paths to social and psychological support to strengthen family bonds and the capacity of the child's primary caregivers. However, it is not a system that takes responsibility for the material and social outcomes of families, providing more comprehensive social assistance and income support which would radically protect children from unequal outcomes.

Like other studies have found, it is clear the foundation of the Lebanese protection model in a policy and practice sense prioritised the *immediate* needs of children facing a crisis of care and treatment; which is of course an important and a significant advance in protecting children nationally (ISS 2006, Save the Children 2011, UNICEF 2011 and CPEWG 2013). However, child protection has not evolved to be a policy domain which prioritises ameliorating underlying social conditions which can jeopardise the child's welfare and safety. Unlike other systems around the world, child protection has not been integrated into a wider, comprehensive social protection system for redistributing wealth and protecting living standards (Gilbert 1997, Gilbert et al. 2011 and Parton 2014). Unless the nation's child protection ambitions are assembled around a more extensive social policy agenda, children from low-income households will continue to be drawn into the system. Long-term, a holistic social policy agenda for raising incomes, improving housing conditions and equitable access to goods and services will be an essential component in combatting maltreatment and abandonment. This will include expanding upon initiatives such as the national poverty targeting programme (NPTP), to ensure it encompasses elements that *directly* confront child vulnerability. Until then, the child protection system in Lebanon will remain only a responder to the effects of poverty and social exclusion on the stability of family units and children's safety. Currently the needs of children from marginalised and impoverished backgrounds are not having their needs met by a system that has not prioritised addressing the significant root causes and stressors of violence, neglect, exploitation and maltreatment.

This study also confirmed the findings from other research, that the second major group of children whose needs are failing to be met within the system, are those requiring alternative care (ISS 2006, Save the Children 2011 and UNICEF 2011). As the data established, the SOP and dual-pathway initiatives have in part been aimed at confronting the over-institutionalisation of children in Lebanon. They provide pathways for the system to resolve risk before the removal of the child is required and more firmly established a preventative role for civil society, who should desist from accepting children into their orphanages without the approval of a juvenile judge. The efficacy of these measures have been discussed, as it continues that children are housed in residential facilities by NGOs and RWOs without liaising with juvenile judges. Importantly however, what these initiatives have also failed to address is the availability of alternative care options for the protection system and the quality of residential placements.

As this study discovered, the consequences of consociationalism mean that family-based alternative care, including adoption and kafala, must still be sanctioned by the religious courts according to their individual precepts and traditions. With no formal connections between jurisdictions, it remains that the state judiciary is limited to only being able to make out-of-home placements for children in-danger at contracted residential facilities. Through interviews this study learned that juvenile judges and much of secular civil society deems residential care as ultimately failing the needs of children, with family-based care seen as the superior, yet unavailable, alternative. The implications for children at risk are that when they come into contact with the protection system, decisions about their long-term care are made without the availability of positive alternative living arrangements. Children may therefore be removed from an unsafe environment, only to be placed in a children's home that equally fails to fulfil the child's physical, psychological and emotional needs (Johnson 2006 and Dozier et al. 2012). As this study found, this has meant juvenile judges in Lebanon have felt restricted in reaching complete and well-balanced rulings, as they are reluctant to remove a child from their original family because this will invariably result in their institutionalisation. This can dilute the application of Law 422, as certain instances of harm to the child in their home environment might be tolerated to avoid them being removed and placed in residential facilities. In line with other studies, this study therefore found that the lack of family-based alternatives has had negative implications for children at risk, as the possible routes for them to escape harmful situations and be cared for in a nurturing substitute environment are limited (ISS 2006, Save the Children 2011 and UNICEF 2011).

The difficulties Lebanon has encountered establishing a protection system with an accompanying family-based system for alternative care, illustrates the complexities operationalising protective legislation in a setting where a plurality of religious traditions and laws govern family life. Religious authorities can hold the key to approving alternate living arrangements for children and encouraging families within the community to care for children needing new homes, making them powerful stakeholders. However, as the situation in Lebanon illustrates, the

negotiation of religious authorities' involvement in a broader, state-led and secularly governed infrastructure for addressing mistreatment can be complex and fraught. This study has contributed to our improved understanding of these complexities in Lebanon. Further academic research is needed to continue exploring the development of alternative care in the country and comparative analysis is also required to build more comprehensive theoretical and conceptual framework for understanding how national settings with religious legal structures navigate substitute care in the protection of children. The findings of this study also lend evidence to the arguments made by Krueger et al. (2015) and Roche (2019) that the international trend towards deinstitutionalisation, symbolised by the GACC, needs to be qualified by pragmatic considerations of capacity and the cultural and social environment within each country.

Going forward this thesis suggests there are possible routes the state can explore to address the alternative care shortage. Most centrally this study learned that there is the possibility to establish a foster system under a little-known statute within Law 422, bypassing the religious courts. However, this is a policy option that would likely further ostracise the religious courts, giving the state judiciary new and controversial capabilities. Also, given the religiously-charged taboos that surround fostering and adoption in Lebanon, without the blessing or encouragement of religious authorities any attempts to establish an independent fostering system will face implementation issues. In the long-term, this study foresees the need for the state judiciary to eventually re-engage with religious communities to discuss coordination over the location and processing of alternative family placements for children in the protection system. However, as this study has established, the current distance between the jurisdictions in their perceptions of one another and the removal of children from their family, makes this a complex and distant prospect. Thus, in the short-term, despite the sensitivities, this study would recommend the government and judiciary explores establishing a civil fostering system using Law 422. It is the only immediate option available to expand family-based alternative care. Any efforts to prepare such a fostering network will of course require increased resourcing for the juvenile courts and connected social work teams to screen potential caregivers, monitor placements and assess children's outcomes; a potential obstacle given the government's current fiscal difficulties (Baumann 2019). Finally this study recommends introducing legislation that prevents unnecessary acceptance of children into residential facilities and better monitors the standards at the residential facilities that already exist.

The findings also established that infrastructural and practical difficulties operationalising Law 422 have had implications for children at risk. Like much of the MENA region (and many other parts of the world) the system in Lebanon lacks enough trained personnel, assigned resources and administrative capabilities to manage case-loads (Al-Mahroos 2007, Cocks et al. 2009, Holtzhausen 2011, UNICEF 2011, Fayez et al. 2014 and Al-Faryan et al. 2019). This has had implications for children at risk as the system struggles to apportion the requisite resources to

respond swiftly to reports, conduct thorough assessments on children's interests and develop holistic care plans. This study contends that clearly the apparatus to realise Law 422 has struggled to keep pace with the introduction and application of the legislation. This is a potential pitfall for other emerging protection systems in settings where the state's institutional capacity and financial capabilities are weakened (Baumann 2019). The current constraints on the efficacy of the protection system can only be eased through greater government investment in resourcing for the courts and protection professionals. Again, given the country's debt crisis and budget difficulties, in the short-term at least this could be problematic (Baumann 2019). A more achievable short-term step towards easing infrastructural difficulties would be a national campaign to encourage enrolment on social work courses at Lebanese Universities and promote the virtues of the profession nationally. Increasing the availability of trained professionals would significantly alleviate the operational difficulties that Law 422 has encountered.

Finally, collectively the findings showed that the development of a protection model that deftly reconciles the actions and responsibilities of the state, civil society and religious authorities is still clearly being negotiated in Lebanon. This study has demonstrated that the state in recent years has embarked on significant policy initiatives to develop a consistent and systematised framework for addressing maltreatment nationally. While progress has been made in drawing civil society under the auspices of a centralised strategy for addressing risk, religious authorities remain at a further distance, mostly by design. The lack of coordination between the juvenile and religious courts and the fact religious authorities have not been included in the development or implementation of nationalised standards, means they operate independently of the protection system. This has had direct implications for children at risk, because their needs, interests and outcomes are thus framed in different terms depending on the authorities they come into contact with. There are thus still no assurances that the mistreatment of children is identified, reported and managed in a consistent manner across the country's various spiritual courtrooms and legal systems. This allows spaces for children in need of protection to fall through the cracks that exist between the civil and religious boundaries. As previously recommended, greater engagement with religious authorities is required by the state judiciary and government ministries to ensure operations between the spheres are better coordinated.

Conclusion

At the close of this thesis we will now revisit the objectives of the study, discern the main contributions to knowledge and discuss their implications. We will also contemplate the limitations of the study and make recommendations for further research. To begin, a reminder for the reader of the study's research question and objectives;

Research Question:

To what extent can Lebanon reconcile child protection with the country's wider tradition of civil society organisation and religious authority?

Objectives –

- To explore the model of child protection that has developed over the last 20 years
- To examine how the statutory child protection system interacts with civil society to address children at risk
- To investigate to what extent the model has reconciled the ideological and practical implications of religious power-sharing in Lebanon
- To investigate the implications for children at risk

This thesis has considered the development of Lebanon's protection model over the last twenty years. To foreground this discussion, we explored the formation of the Lebanese state and outlined the nation's welfare regime. This determined that the Lebanese state is structured according to a consociational power-sharing agreement between the nation's religious sects. Since the end of the Civil War Lebanon has struggled with unstable markets, a weakened state apparatus and widespread corruption and nepotism. Within this political climate, the laissez-faire economic policies of successive governments has resulted in minimal state-delivered social protection, goods and services. In place of the state, multiple welfare networks connected to different secular NGOs, international donors, sectarian/ethnic political movements and religious foundations have stepped-in to sustain the needs of local communities.

This thesis argued that prominent theoretical perspectives, both on the state and particularly on welfare regime models, are Western-centric and thus fail to appreciate that social welfare can be deeply embedded in communal affairs, non-state provision and the larger politics of identity. These same theoretical perspectives are also formed with key assumptions regarding the neutrality of the state, the legitimacy of bureaucracies among the governed and the capacity of the state and market to serve people's needs. For these reasons the direct application of conventional theories was highlighted as problematic. Instead this this commended

a growing body of scholars studying social welfare outside the West who do not theoretically prejudice the domestic state as the only merchant of social welfare. These perspectives allow other significant actors to emerge in our conception of how families and communities meet their needs. These were important preliminary considerations to more fully appreciate the configuration of Lebanon's child protection system

The next crucial component to fixing the conceptual underpinnings of the study was to define child protection and explore the predominant theoretical models for analysing protection systems. From this process it was demonstrated that leading theoretical paradigms are chiefly based upon comparative research between high-income, European and North-American countries. Despite the utility of these models, they fail to attend to the socio-economic and political realities of Lebanon and the MENA region more broadly. Most centrally they emphasise the formal role of the state (assumed to be resource-rich and administratively robust) as the main channel of social protection. To have applied these models tout-court would have mischaracterised the political, economic, legal and welfare backdrop that underpin protection efforts in Lebanon and blocked from view the action of other important stakeholders in the protection of children nationally. This thesis therefore turned its attention to the literature on child protection in the MENA region. This highlighted the glaring shortage of academic studies on protection systems and maltreatment issues. Although the literature could point towards some broad patterns, it was clear that comparative theoretical analysis on the dynamics of protection models and their historic development did not exist. Thus, there was no regionally-based theoretical paradigm or approach that could be readily adopted for this study. Instead, acknowledging that protection models evolve out of contending social, political and economic forces this study focused on mapping the development of Lebanon's child protection arrangements within the country's own socio-political milieu.

An extensive review of the existing literature on Lebanon established that a defining feature of the country's protection framework was its pluralism, where the responsibility for safeguarding children's welfare and wellbeing is disseminated across the state, a corpus of non-governmental organisations and religious court systems. This arrangement stood from the countries social, political and economic composition – with civil society apportioned a significant role in sustaining social welfare and consociationalism granting religious communities autonomy over family affairs. The literature review also established that since the introduction of child protection legislation in 2002, the country has struggled reconciling a statutory system with the local-level power and autonomy of civil society and the religious courts. Child protection in Lebanon had therefore been criticised for being fragmented and uncoordinated leaving children to fall into various brackets of care. Moreover, the sensitivities that surrounded the separation of powers made child protection in terms of a secular, state-led practice highly contentious and fraught with obstacles.

This study sought to explore these key tensions. It highlighted the need for a more comprehensive charting of the protection panorama in Lebanon, detailing how the statutory system, civil society organisations and religious authorities operated, their interactions with one another and how the needs of children were being met within and between these spheres. This study also highlighted the need to engage more critically and conceptually with the barriers and opportunities to strengthening this framework's response to children at risk. To achieve these research objectives this study elected to conduct fieldwork in Lebanon. This involved conducting 54 semi-structured qualitative interviews with key figures and organisations. Interviews focused on organisational and professional practice, the values underpinning protection work in these spheres, the interactions that existed between stakeholders and views on the major developments in child protection over the last 20 years - most centrally the introduction of Law 422 and the operationalisation of a statutory system. Under the interpretivist orientation of the study, the data collected provided a deeper and richer understanding of the protection field from the perspective of those integrally involved.

The findings from this study have significantly contributed to our understanding of the protection environment in Lebanon and the role that the state, civil society and religious authorities play. Firstly, we have a greatly improved understanding of how the statutory system is modelled, how it frames maltreatment, how professionals work with families of concern and the decision-making processes of juvenile judges. The findings also contribute to a more in-depth understanding of the challenges that continue to face child protection as a secular, state-led practice in a country of religious pluralism. We also know more regarding practical concerns including the efficacy of legal infrastructure, lack of trained personnel and financial resources. The study has also better detailed the operations of various civil society stakeholders, their work to address protection concerns and their changing engagement with the statutory protection system. Finally, this study has for the first time provided an insight into the operation of the religious courts when it comes to child protection concerns. We have learnt how the courts interpret maltreatment, their definition of the child's best-interest and the values which underpin decision-making. This study has also analysed the religious courts' separation from the broader child protection project that has been initiated over the last twenty years. In sum we therefore have a strengthened appreciation of how risk is being addressed within and between these three vital spheres and the implications for vulnerable children.

In addition to a more comprehensive evaluation of the key stakeholders in Lebanon's protection panorama, this study has reported (again for the first-time) *crucial* changes to Lebanon's evolving protection model. The findings document the state's efforts since 2014 to increase its steering of child protection by introducing national practice standards, incorporating civil society into a dual-pathway system and mounting legal challenges against the religious courts. This has shifted the sands of power between these spheres. These policies demonstrate the state's

commitment to confront criticism child protection in Lebanon has been fragmented by enhancing its direction of the protection issue. In collaboration with domestic civil society the state has sought to improve coordination of protection efforts, systematise referral practices and revitalise national proprietorship of practice standards and values. The greater linkages with civil society have also expanded the scope of interventions; ensuring there is now a hybrid system comprised of both preventative *and* responsive components for addressing risk. However, the findings also show that Lebanon's protection model still faces significant concerns; alternative care, social taboos, low reporting rates and disregard by some civil society organisations to abide by national protocol all require resolutions. Furthermore, addressing the risk factors associated with socio-economic disparities requires a more comprehensive social policy response. The recommendations made by this study in the previous chapter can assist in developing strategies to confront these issues.

To what relevance are these findings to the overarching research question? In the first instance, the developing circumstances in Lebanon indicate the state and its judiciary have taken a leading role in trying to orchestrate a more harmonised and systematic framework under which the statutory system and non-governmental children's services can address risk. This is a sea-change in policy approach and although greater time is needed to assess its impact, there is promise that by providing these closer linkages between spheres it can strengthen the nation's ability to reconcile child protection with the wider tradition of *civil society* organisation. It could also offer valuable lessons to other countries searching for ways to bring complex networks of non-state providers under a common protection strategy.

In terms of the country's ability to reconcile child protection with the power and autonomy of *religious authorities*, this thesis has established there are more exigent difficulties remaining. The data collected has captured the shifting circumstances of power between civil and religious jurisdictions; with the child's best-interest drawn more firmly under the rheostat of the state. Yet despite these shifts, the protection of children still does not fall unitarily into either civil or religious boundaries. The religious courts are still heavily vested in shaping children's outcomes through the awarding of custodial arrangements, brokering of family breakdowns and authorisation of Kafala and adoption. The failure to involve the religious courts in the development of Lebanon's statutory system over the last twenty years has meant both jurisdictions work in complete separation and under contrasting visions of the child's needs and interests. Decisions about children's care are therefore framed and evaluated differently depending on the legal authority they are in contact with - limiting the ability of Lebanon to deliver *consistent* safeguarding and accountability for children's welfare. The lack of coordination between jurisdictions also continues to limit the scope of family-based alternative care options for children within the protection system.

Taken together this study has therefore identified that the development of a protection model that deftly reconciles the operations and responsibilities of the state, civil society and religious authorities still requires careful negotiation. This study has significantly improved our understanding of Lebanon's protection panorama; documenting significant recent developments to the structure of the field and changes to power-dynamics between stakeholders. It has also provided a more robust account of the implications for children at risk and the spaces where practices, interests and values of actors involved have become better harmonised and coordinated as well as areas where greater action is required. The implications for the future direction of child protection in Lebanon are pivotal; the consistency and quality of responses to maltreatment clearly rest upon greater *collective* determination between the main parties responsible for keeping Lebanon's communities and families safe.

The outcomes from this research also hold consequence for the social work literature base. The completion of this thesis has highlighted a major absence of relevant frameworks for evaluating protection arrangements in the social and political context of Lebanon. There is a pressing need for an academic agenda that draws together researchers across the MENA to collaboratively develop relevant theoretical and conceptual frameworks; breaking the dominant Western-centric perspectives. By collating the work being carried out in the region and comparing and contrasting the dimensions of protection models, their historic emergence and the orientation of professional practices we can begin to significantly further our understanding of child protection in the area. This will also enhance and enrich the debates around global child protection practice; offering new perspectives and lessons from a geographic location that is overlooked in current debates. This thesis has contributed to a deepened understanding of the evolving model in Lebanon. This research can be taken forward not only by continuing to investigate Lebanon's burgeoning system but by intersecting the findings from this study with others in the area to gather a wider and more comprehensive overview of child protection in the region.

It is apposite at the close of this study to also acknowledge some of the study's limitations. As with most qualitative research, sample sizes can constrain the claims to generalisability of the findings. As discussed in chapter 4, clearly the sample gathered cannot be *entirely* representative of the state, civil society and religious authorities as conceptual spheres. Moreover, these conceptual spheres are themselves both ambiguous and porous. One of the biggest omissions (made for practicality purposes) was to focus only on the court systems of the Sunni, Shi'a, Maronite Christian and Druze denominations. Although these are by *far* the largest of Lebanon's sects in terms of population size; the perspectives of the remaining 14 legally recognised sects have been excluded. It is unlikely their practices and perspectives on family life differ *significantly* to those reported here as they are denominations of the same broad faiths. Nevertheless, there is cause for further studies to explore the procedures in place at Lebanon's other religious courtrooms.

Despite these issues, the sample is still a robust cross-section of the key figures, professionals, organisations and institutions with responsibilities in Lebanon's protection framework. While the data collected has successfully allowed for a rich and detailed account of the field in Lebanon from the perspective of those at the front-line of service delivery and decision-making.

There are also limitations pertaining to the recency of some of the changes that were reported. The dual-pathway-model and SOP are still in the initial phases of their rolling-out, this study was therefore limited to only capturing the composition of these initiatives, their design process and early impact. Further research will be required to examine the long-term efficacy of these policies as they are further embedded in the coming years. This thesis has therefore provided the initial platform from which other studies can now continue exploring the development of Lebanon's dual-pathway model and its negotiation of the challenges that lay ahead.

Finally, it must be acknowledged that this study excludes the perspective of the most important stakeholder in Lebanon's protection system; children themselves. The focus of this study was to map the development and configuration of Lebanon's protection model – charting the key responsible parties and how this framework addresses maltreatment. By its nature the study has been concerned with the dynamics of response mechanisms, the substance of policies and legislation, the socio-political underpinnings to protection efforts and a macro-view regarding the implications for children at risk. Thus, the omission of children's perspectives is not seen to have impeded the ability of this thesis to address its research question and aims. Nonetheless, this study would also argue that going forward it is imperative we learn from the experiences of children who have been in contact with the statutory system and trace the successes and failures of their care. We need to consult with children who have been separated from their families to learn the impact it has placed on their lives and where the system, from their perspective, can do more to meet their needs and wishes. It will be impossible to continue improving our knowledge of the protection system in Lebanon and develop strategies for its improvement without including the voice of children.

In conclusion, the child protection system in Lebanon has received scant academic attention. This thesis hopes to have shown that this is despite its fascinating dynamics, the powerful lessons it has to offer and its ability to stimulate important discussions regarding the literature base. We have seen how child protection in Lebanon requires sensitive negotiation between the competing roles of the state, community and family in the rearing of children and their safeguarding from harm. The prosperity of Lebanon's future relies on continued progress in keeping the nation's advancing generation protected, nurtured and heard.

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Appendices

Appendix A Core Interview Schedule

Informed consent

Please only discuss issues you feel comfortable revealing information about. If you wish to stop the interview at any time or withdraw your consent for the study this will be respected fully. The interview will be recorded using a visible Dictaphone, at the point of transcription you will be applied a pseudonym which will be used throughout the analysis of data and the presentation of findings. The data will be stored securely at my place of residence until completion of the PhD at which point it will be deleted. Please could you confirm that you have read, understood and signed the consent form? Thank you.

Research Question:

To what extent can Lebanon reconcile child protection with the country's wider tradition of civil society organisation and religious authority?

Objectives –

- To explore the model of child protection that has developed over the last 20 years
- To examine how the statutory child protection system interacts with civil society to address children at risk
- To investigate to what extent the model has reconciled the ideological and practical implications of religious power-sharing in Lebanon
- To investigate the implications for children at risk

Organisational Practice

- Could you briefly explain the role of your organisation? What groups of children and families do you work with? How are they identified?
- What is your specific role within the organisation?
- How would your organisation define the mistreatment of children?
- Could you take me through, step by step, how your organisation typically identifies and handles a maltreatment issue? Is there protocol in place?
- What kind of tools or materials do you use for assessment?
- Is there support that could be provided to assist your work?

Experience working with Families and Communities

- What has been your experience of working with vulnerable children and their families?
- In your experience how do you feel communities tend to view and understand abuse, neglect and exploitation?
- How do you feel families tend to respond to maltreatment?
- Are families likely to report protection issues? Who do they tend to report to?
- How do you feel communities tend to respond to maltreatment?
- Is reporting of child mistreatment to authorities high?

Legal Framework for Child Protection in Lebanon

- What is your knowledge of Law 422? How effective do you think it has been? How could it be improved?
- Lebanon's constitution grants power over personal status matters such as marriage, divorce, inheritance and child custody to the religious courts of the country. How do you think this impacts the protection of children nationwide?
- What impact has law 422 had on the power dynamics between jurisdictions?

Coordination Between Different Bodies

- Is the state, the religious courts and civil society well-coordinated when it comes to protecting children? Could this be improved?
- How does your organisation collaborate with others in the protection field?
- In your experience do civil society organisations working within communities regularly report child protection concerns to the relevant authorities?
- What do you think the impact is of having so many governmental and non-governmental bodies involved in helping children and vulnerable families?
- Is it sustainable having so many different bodies involved?
- How does the sharing of information and casefiles take place between these different bodies?

Alternative Care

- How does the law in Lebanon work with regards to alternative care?
- What are the choices for alternative care in Lebanon? Which form of alternative care is most widely used? And why?
- What has been your experience of children fulfilling their needs for alternative care?

Appendix B Additional Participant/Sector specific questions

The Juvenile Courts

- Do the juvenile courts over-rule decisions made by the religious courts using Law 422?
- Do the juvenile courts and the religious courts coordinate when it comes to child protection?
- In your experience do the religious courts regularly report child protection concerns to the juvenile courts?
- Where are the boundaries between potential risk and actual harm drawn? How do you assess these cases? What information do you use? How is this collected?
- Could you explain the difference between the newly introduced Judicial and non-Judicial pathways? How do they operate? Who are the responsible parties?

The Religious Courts

- Do the religious courts consider Law 422 when making custodial decisions?
- How are divorce and child custody proceedings managed? Is the suitability of a parent assessed?
- How are the best-interests of the child defined and assessed at these courts?
- How is mistreatment defined and assessed in the religious courts and under religious law? How does the court system respond to concerns over the mistreatment of a child?
- Do the juvenile courts and the religious courts coordinate when it comes to child protection?
- Do the juvenile courts ever intervene to overrule custodial decisions? How often does this happen?
- How do these courts typically adjudicate alternative care?
- What are the religious laws that surround fostering and adoption?

Contributors to recent child protection reforms

- Could you please explain the development of the newly introduced standard operating procedures (SOP) and their purpose?
- What impact do you think the SOP has had? How have agencies responded to it? Do professionals feel it has helped them carry out their protection work?

- How do you ensure the SOPs are being followed? What happens if an organisation, service or ministry isn't complying with the SOP?
- What direct improvements to child protection have you seen as a result of the SOP?
- Could you explain to me the difference between the Judicial and non-Judicial pathways? How do they operate? Who are the responsible parties?

Ministry of Social Affairs

- How big is the network of civil society organisations you work with? Are their activities coordinated and monitored? How?
- How do you gain consensus among so many different organisations on how to identify and approach child maltreatment?
- Are most organisations and agencies open to networking? Are there any bodies that you find are less open to working collaboratively?
- What measures are in place to regulate and harmonize Lebanon's child protection field? How effective are these measures? What more do you think needs to be done?
- Could you explain the role of the social work team operating at the Ministry? What are their responsibilities? How do they differ from the social work teams at the juvenile courts?

Family Affairs Lawyer

- How are divorce and child custody proceedings managed by the religious courts? In your experience what impact does this have on children and families?
- Do the religious courts consider Law 422 and its provisions for the best-interest of the child when making custodial decisions?
- How is the risk to a child defined and assessed in the religious courts?
- How does religious law define the best-interests of the child?
- In your experience how do the religious courts and judges typically perceive issues of maltreatment?
- How do the religious courts tend to perceive alternative care? What has been your experience of these matters?

Appendix C Themes

Themes

1. State's introduction of standard operating procedures and dual pathway model
2. State's efforts to increase national ownership of the child protection issue
3. Complications rolling-out the standard operating procedures and dual-pathway model
4. Civil society continues to absorb children into residential care
5. Judiciary's lack of legal infrastructure, personnel and resources
6. Social taboos conceal maltreatment and hinder reporting
7. State's legal challenge of religious authorities
8. Remaining role of religious courts in children's outcomes
9. Lack of coordination between juvenile courts and religious courts
10. Religious court decision-making underpinned by differing best-interest principles
11. Tensions between state and religious authorities over alternative care

Appendix D Findings and Themes

Finding	Themes
1. State’s increased direction of the protection field	<ul style="list-style-type: none"> 1. State’s introduction of standard operating procedures and dual pathway model 2. State’s efforts to increase national ownership of the child protection issue
2. Continued implementation issues facing the statutory system	<ul style="list-style-type: none"> 3. Complications rolling-out the standard operating procedures and dual-pathway model 4. Civil society continues to absorb children into residential care 5. Judiciary’s lack of legal infrastructure, personnel and resources 6. Social taboos conceal maltreatment and hinder reporting
3. State’s attempt to shift civil and religious boundaries	<ul style="list-style-type: none"> 7. State’s legal challenge of religious authorities
4. Ongoing tensions between the state and religious authorities	<ul style="list-style-type: none"> 8. Remaining role of religious courts in children’s outcomes 9. Lack of coordination between juvenile courts and religious courts 10. Religious court decision-making underpinned by differing best-interest principles 11. Tensions between state and religious authorities over alternative care

Appendix E Ethical Approval

EIRA PG

Ethical approval form for

MRES - PG TAUGHT & PGR STUDENTS

Department of Social and Policy Sciences

2016-2017

INFORMATION AND INSTRUCTIONS

This FORM must be completed by **all PG students**. The form aims to help us reflect carefully about the ethics of our research projects. It further commits us to incorporate ethical practice within our research design particularly with regards to informed consent, deception, confidentiality and accuracy. The underlying principle is that without considering these guidelines, the standard as well as the quality of our research will be undermined. This is an internal procedure and the University is not directly involved in the scrutiny of students' research ethics. However, we follow the University of Bath guidelines on research Integrity and Ethics. See <http://www.bath.ac.uk/research/governance/ethics/> and <http://www.bath.ac.uk/about/values/ethics/index.html>

1. You must complete this form if you are writing your...

...MSc DISSERTATION

...Any of the MRES projects (Short Research Apprenticeship Project, the Long Apprenticeship Project and the MRES dissertation)

...PhD: You are required to submit the signed off ethics approval form along with the other documentation required for the confirmation of PhD status.

2. You should pass an **electronic copy of your completed ethics form** to your lead supervisor for discussion before submitting a final copy to him/her. Once the form is ready and signed by you both, you should pass the form to the DREO for her approval.

You should **e-mail her** the form directly (**Please do not leave a hard copy in her pigeonhole**). Once her approval has been obtained, you should submit the form to the appropriate PGR administrator for your file (electronically with an email trail with each level of approval recorded).

3. If your research involves **another body or association** (NHS, local charity, co-operatives and so forth) where ethical approval has to be granted, please attach appropriate evidence.

4. You must not start your fieldwork (if you are doing **fieldwork**) before receiving research ethical approval.

5. In completing the form, you are encouraged to consult one of the following **guidelines** conforming to your discipline (in addition to the University of Bath as per above)

ESRC Research Ethics Framework. <http://www.esrc.ac.uk/ref>

Association of Social Anthropologists of the UK and the Commonwealth. 1999. <http://les1.man.ac.uk/asa/Ethics/Ethical%20Guidelines.pdf>

British Psychological Society. 2000. <http://www.bps.org.uk/documents/Code.pdf>

British Sociological Association. 2002. http://www.britisoc.co.uk/bsaweb.php?link_id=14&area=item1

National Committee for Research Ethics in the Social Sciences and the Humanities. 2001. <http://www.etikkom.no/Etikkom/Engelsk/Publications/NESHguide>

Social Research Association. 2002. <http://www.the-sra.org.uk/index2.htm>

British Educational Research Association <http://www.bera.ac.uk/publications/pdfs/ETHICA1.PDF>

STUDENT AND PROJECT DETAILS

- 1. Name(s) of researcher(s):** Thomas Omar El-Hoss
- 2. Degree:** PhD research programme in Social and Policy Sciences; Social Work pathway
- 3. Title of your research project:** ‘Between the State, the Community and the Family: An exploration of support mechanisms for vulnerable children in Lebanon’
- 4. Type of research** PhD thesis
- 5. Supervisor/s** Dr. Louise Brown (First Supervisor) and Dr. Rana Jawad (Second Supervisor)

Summary of Proposed Research

The thesis proposed is chiefly concerned with the issue of child protection in Lebanon and the support mechanisms in place to respond to vulnerable children. An extensive review of the available literature on the topic has revealed that, in general terms, there is a considerable shortage of academic work which focuses upon topics of social policy, welfare and development in the Middle-East and North African (MENA) region. When it comes to the specific issue of child protection, one observes an even greater dearth of available material and data. In particular, what seems to be seriously lacking are studies which explore the nature and function of child protection systems in MENA countries, local definitions of abuse, neglect and exploitation and, critically, positive cultural practices and protective mechanisms. This lack of research is a concern which has also been expressed by leading child welfare organisations which have similarly lamented the “little information gathered to date on child protection in countries in the Middle East and North Africa area” (UNICEF 2011 p:20).

Despite this shortage of research, by intersecting literature from a variety of different sources and academic disciplines this study has been able to provide an overview of Lebanon's child welfare situation as well as establish avenues for further research. From this process it was found that the child protection system in Lebanon appears to be fundamentally different to the types of systems which have been characterised in social work literature thus far; which have largely concentrated on child protection in Western contexts. Most glaringly it can be seen that Lebanon's protection landscape has an essentially binary nature, where running parallel is a statutory system and an equally pervasive non-statutory, communally mobilised system for responding to vulnerable children; both of which have differing perceptions regarding child maltreatment and how to appropriately intervene. Thus unlike other countries where there is a rigidly centralised and government regulated child welfare strategy, in Lebanon, there is a deeply pluralistic landscape where the duty for ensuring the ultimate safety and wellbeing of children is diffused among a large variety of stakeholders including the government, NGOs, the private sector, faith-based organisations, religious courts, community leaders, kin and others. The result has been an essentially splintered system where a lack of

coordination between the structures in place at the national, local and community level mean that a set of standardised and consistent responses for children at risk are lacking.

This has left some fundamental dilemmas regarding Lebanon's child welfare structure going forward. The country is being forced to ask whether the needs of children can be adequately met when there is a lack of definitive separation of power between the state, the non-governmental sector and religious institutions to handle child maltreatment cases? The following study will aim to directly engage with some of these core concerns and debates regarding the nature of child protection in Lebanon. This will necessitate gaining a more comprehensive insight into the character and function of both the statutory child protection system and the support that is being mobilised at the communal level. It will also involve looking at the way in which the statutory child protection system interacts with communal responses to address children at risk and how the needs of children are being met within and between these formal and informal spaces. Most vitally, this study holds a desire to explore some of the barriers and opportunities that exist to harmonising Lebanon's child protection environment so that the state and communities can work in closer accord to meet the needs of children at risk. By exploring these areas, the following study will be able to make a significant contribution not only to our understanding of the key features and dynamics of child protection in Lebanon; but also help build on the stock of research which looks at child protection concerns and debates in the MENA region more broadly.

To achieve these aims, the study proposes completing primary qualitative research in Lebanon. To be able to capture the features of the plural child protection setting the country possesses, the sampling strategy will need to identify key organisations and figures operating within the statutory and non-statutory sectors. At this stage, it is anticipated that exploring the statutory sector will involve gathering participants which include; social workers, children's judges and statutory children's service providers. With regards to the non-statutory, communal sphere of support, this will likely involve contact with; the religious courts, religious leaders, Local NGOs and faith based charities. To gather the necessary qualitative data from these participants, the researcher proposes conducting in-depth, semi-structured interviews. These interviews will focus on exploring how participants interpret the issues surrounding child protection in Lebanon, the way in which they feel their actions address children's needs and their experiences working with vulnerable families. The interviews will be recorded using a visible dictaphone and then transcribed verbatim. The transcribed data will be analysed using a specific iteration of thematic analysis outlined by Braun and Clarke (2006).

Research Question and Objectives

To what extent can Lebanon reconcile child protection with the country's wider tradition of civil society organisation and religious authority?

Objectives –

- To explore the model of child protection that has developed over the last 20 years

- To examine how the statutory child protection system interacts with civil society to address children at risk

- To investigate to what extent the model has reconciled the ideological and practical implications of religious power-sharing in Lebanon

- To investigate the implications for children at risk

References

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Ethical Considerations

Deception:

How will you present the purpose of your research?

The purpose of my research will be presented to potential participants through the advent of an information sheet, which will be made available in both English and Arabic. This sheet will firstly provide a brief introduction of who I am, the University I attend and my interest in the area of child protection. It will then go on to present the purpose of the study by detailing the research question, aims, objectives and outline the project's contribution to existing knowledge. It will also provide an overview of what will be expected from the participants if they choose to be involved in the research, including an outline of time commitments for the interviews, the areas that will be up for discussion and the potential feedback they may be asked to offer on the analysis of their transcripts. This information sheet will be distributed either in person to potential interviewees and organisations or digitally through an attached email.

Do you foresee any problems including presenting yourself as the researcher?

Currently I do not see any major problems in presenting myself, except for the fact I am a relatively inexperienced social researcher which may cause some apprehension on the part of potential organisations to take part. Of course there will also be some cultural barriers between me and the participants, made potentially more complicated by the fact I am half Lebanese. Because of my Lebanese surname, the people I meet may have certain expectation that I will conduct myself in a specific way or understand particular customs despite the fact I have never lived in the country for an extended period of time. This could cause some obstacles when being introduced to people for the first time; although it is unlikely to be a major impediment to the research.

There will also likely be some issues around language, as although most people in Lebanon are bi and tri-lingual – speaking Arabic, English and French. It is expected that some people I interact with will only be able to speak Arabic. Without a sufficient grasp of the language, presenting myself in a way that will allow me to build a rapport with people and gain their interest in taking part in the study will be troublesome; not to mention the fact that a lack of adequate Arabic will make conducting some of the planned interviews extremely difficult. This concern regarding language skills during the fieldwork is one that has been long held. As such, in preparation one has been studying classical Arabic through a home learning course. In addition to this, a successful application has been complete to receive funding from the ESRC to conduct Difficult Language Training in Lebanon before the process of recruiting a sample and collecting data begins. Of course at this stage it is not possible to know definitively if this Arabic training will be sufficient to manage the complex task of negotiating the field work sites, introducing myself to people and conducting the interviews; although undoubtedly it will be of significant assistance. If one still feels that the language skills obtained are insufficient to hold quality interviews with Arabic-only speaking participants, then an interpreter will be sought to assist. This is a measure that as far as possible will be avoided as using an interpreter inevitably weakens the quality of interviews. It will also raise certain ethical concerns that will be discussed in due course.

In what ways might your research cause harm (physical or psychological distress or discomfort) to yourself or others? What will you do to minimise this?

The nature of the study means that it is unlikely to cause any adverse harm to the people taking part and of course every effort will be made to avoid this. However, some potential risks relate to the fact that because the study involves discussing aspects of participants' professional roles, this could lead to talking about experiences of working with vulnerable children that are uncomfortable or upsetting. There is also the concern that interviewees may discuss issues that are of a particularly sensitive nature, such as strong criticism of the organisations they work for or particular institutional failings, which have the potential to threaten their career. In order to mitigate these concerns it will be stressed at the beginning of interviews that participants should only discuss issues they are completely comfortable with revealing information about and that if at any point they want the interview to be stopped, it will be. One will also ensure that the interview schedule will be reviewed in full by the study's two supervisors to confirm the questions are appropriate. Of course,

complete avoidance of these potential risks is impossible, thus the researcher will seek informed consent from all the respondents. As will be explored, this will be achieved by using a consent form which will be distributed to potential participants to warn them of the possible dangers in taking part in the interviews. The respondents will also be briefed that if they want to withdraw their consent for the study at any stage before or after the interviews, this will be adhered to fully and any data collected will be destroyed. Finally, as a precaution, all interviewees will be offered the contact details of local counselling services so that they can seek help regarding issues that may have been discussed in the interviews.

In terms of the potential harm that may be caused to *myself*, an aspect of the fieldwork that needs consideration is the fact that it is likely that interviews will have to be carried out in locations that are convenient for the interviewees. This could involve me attending a variety of different environments including the premises of organisations, charities and centres that provide assistance to vulnerable children, religious institutions, people's homes, community centres and government buildings and offices. It is unlikely that entering such environments will put me in *severe* harm but it is an aspect of the research in need of attention. As such, when possible interviews will be conducted in public spaces, where this is not possible I will inform my supervisor which days I am going to conduct such interviews and when they have been completed. I will try as far as possible to also ensure that the interviews that do have to be held at the participants' premises are conducted in a relatively open environment where other people can see them taking place.

Finally there are always some concerns when conducting fieldwork abroad in terms of maintaining your health and safety in an environment you are not completely familiar with. This is a potential risk that is strongly reduced by the fact I am of Lebanese heritage and have a strong network of Family and friends that live in Lebanon who can help me navigate the country and will be able to assist me in an emergency. Should a significant issue arise, I am also covered by the University of Bath's extensive health insurance programme which is designed for social researchers placed on fieldwork abroad. To further mitigate these risks I will ensure I maintain regular contact with my supervisor throughout the field work using emails, skype and telephone calls.

Consent:

Who are the main participants in your research (interviewees, respondents, raconteurs and so forth)?

Conceptually, a key component of the project as expressed through the research question and objectives is to explore the dynamics of the formal sphere which encompasses statutory responses to child protection and the 'informal' sphere, which involves communally mobilised, non-statutory responses. In order to capture the features and characteristics of these two conceptual domains, the sampling strategy will need to identify key organisations and figures operating within these demarcated spaces. This will give the study scope to speak to those with a responsibility for designing and evaluating programmes that respond to children

at risk as well as those who work with vulnerable children and families on a day to day basis. It should be stressed at this point however that the study does *not* plan to speak to vulnerable families in receipt of assistance or to anyone under the age of 18; including children at risk themselves.

How will you find and contact these participants?

In order to find these participants the following study proposes using a snowball sampling technique which will be applied at two levels. At the first level it will be used to gain the initial details of potential organisations and associations from the statutory and non-statutory sphere. To get this process started I will firstly use connections that my second supervisor, Dr. Rana Jawad, has already established with various governmental and non-governmental organisations during her research in Lebanon. This will provide initial points of contact from which it is hoped these participants will be able to suggest other relevant organisations or individuals who may be interested in taking part in the study. This technique will be an expedient method as I the researcher am currently unfrequented with the country, as well as the location and specific details of children's welfare organisations that operate in the area. Working on recommendations from other organisations and individuals may also help with breaking down any barriers of trust that communities or specific bodies have in speaking to a social researcher.

At the second level, a snowball approach will also be used to gather willing participants from *within* the organisations, bodies and associations that have been identified. This process will involve initially distributing an information sheet (either via email or in person) to managerial staff in order to outline the aims and purpose of the study and seek their interest in taking part. Once senior figures have given permission for their organisation as a whole to be included in the study, they will then be asked to distribute this same information sheet to other individuals within the organisation who they feel may be interested in taking part.

How will you obtain consent? From whom?

As previously mentioned, because there are some inherent risks posed to participants it will be necessary to obtain informed consent from all those that take part in the study. This will begin by seeking permission from organisations and bodies as a whole to allow their staff and representatives to be involved in the research. Gaining this permission will entail contacting senior figures at said organisations and discussing the aims and purpose of the research with them. This process will be aided by the advent of an information sheet translated into Arabic, which as previously explored, will detail who I am, the University I am associated with and the objectives of the research project. Once permission has been gained from these elite sources, I will then seek to gain individual consent from all the participants who take part. This will be achieved by giving all the interviewees an information sheet and consent form. Combined, these will help communicate to participants the purpose of the study and provide an overview of what is expected from them if they choose to be involved in the research. It will also vitally relay to participants the potential risks involved in contributing to the study and the role I will play in helping to mitigate these risks. Organisations and

interviewees will be asked to sign and date these consent forms so that a physical record can be kept of their agreement to be involved in the research. The contents of the information sheet and consent form, again, will be reviewed by my lead supervisor Dr. Louise Brown to ensure they meet the minimum standard requirements before they are distributed.

Privacy and Confidentiality

What measures are in place to safeguard the identity of participants and locations?

Confidentiality is going to be one of the most important aspects of the study. It is unlikely that unless anonymity of the organisations and their staff can be assured that they will be willing to participate. This is due to the fact that there is a small risk that findings could be overtly damaging to the reputation of the organisations or people that take part. As such, although details about organisations' activities in terms of the services they deliver, the role they play in child protection and the demographics of those they seek to assist will have to be expressed. The names of the organisations or any information that *explicitly* discloses their identity will be anonymised through the application of pseudonyms and the omission of certain data. In terms of the individual respondents, they too will immediately at the point of transcription of interview data be assigned pseudonyms which will be used throughout the process of analysis and the presentation of findings. Again any information that could potentially jeopardise their personal identity or location will be omitted.

There is also the potential risk during the interviews that when discussing specific examples of the work participants have conducted with vulnerable families and children that information might be shared which could potentially disclose the identity of *these* individuals. All interviewees will be warned via the information sheet, consent form and again in person before interviews begin not to use the real names of any people when talking about their views and experiences of working in child protection. During transcription, again, any information that has been revealed which has the potential to identify such people will be omitted.

As the study is using recorded interview data, confidentiality will also involve the safe keeping of such information. All interviews will be recorded using a digital Dictaphone which will be kept at my place of residence in a locked draw. The digital data will be kept on the Dictaphone and not be transferred to any computer. The data will then be transcribed verbatim and stored on my personal computer until grading for the thesis is received, after which, all data on the Dictaphone and transcripts will be personally destroyed. All of the aforementioned processes for anonymity and handling of data will be explained to participants in full via the consent form and again in person prior to interviews commencing. It is obviously impossible to completely guarantee the safeguarding of identities and therefore an element of the informed consent sought will involve explaining to participants the potential threats to privacy that are involved in taking part.

Finally an added dimension of the research which will affect issues of privacy involves the fact that, as previously explored, there is going to be the potential need to employ the assistance of a translator to conduct the interviews. It is also possible that a professional interpreter will be required to help with translating the recorded interview data during the transcription process. It will thus be essential that any translators involved are explained the importance of maintaining confidentiality. To help ensure this happens, a separate information sheet and consent form will be devised. This will explain to the interpreters the purpose of the research, the role they will be expected to fulfil and require their full commitment to protecting the identity of those they come into contact with. Again there will always be an element of risk regarding the privacy of the interviewees when using interpreters. Thus the procedure of having a translator present to help conduct the interviews and interpret the data will be explained to participants in full through their relative information sheet and consent form.

Accuracy

How will you record information faithfully and accurately? At what stages of your research, and in what ways will participants be involved?

All the interviews to be conducted will be recorded using a visible Dictaphone. These will then be personally transcribed verbatim ready for analysis. There will of course be some issues with transcribing the interviews that have been completed in Arabic. As previously explained, here it is likely that to capture the details of the interviewees' responses the assistance of an interpreter will be required. Of course this raises certain ethical concerns which have been discussed. It will also however pose some unavoidable problems regarding the reliability of the data, as one will have to trust that translations have been made accurately and that the nuance of meaning has not been lost in the process.

To mitigate these concerns this thesis proposes having the interviewees participate not only at the stage of data collection, but *also* during the process of analysis. This will involve asking participants to provide written feedback on how precise the transcription of their interview has been, how accurately they feel the findings from the thematic analysis reflect their thoughts and opinions and the spaces where improvements or further elaboration can be made. This will not only assist in improving the accuracy of the recorded information but also increase the overall validity of the findings.

Debriefing

Have you considered how to share your findings with participants and how to thank them for their participation?

The findings from the study will be shared via a summarised version of the thesis that will be translated into Arabic. The aim of this condensed version will be to present the findings

in a more confined and easily accessible format. This will then be printed and circulated to the organisations, associations and individuals who took part. These documents will also be accompanied by a covering letter articulating my gratitude for people kindly donating their time to contribute to the study.

Additional Information and any other relevant information

Have you approached any other body or organisation for permission to conduct this research?

The only other body that has been contacted in relation to the research is the ESRC to receive funding for an Overseas Fieldwork Allowance and additional financing to carry out Difficult Language Training. Both have been approved.

DECLARATION

STUDENT TO COMPLETE

Student name (please print): Thomas Omar El-Hoss

E-mail address: t.el-hoss@bath.ac.uk

Tel: [REDACTED]

Programme: PhD research programme in Social and Policy Sciences; Social Work pathway

Department of Social & Policy Sciences

I hereby confirm that this document represents an accurate record of my proposed research.

Student's signature: T. El-Hoss

Date: 12.08.2016

STAFF MEMBERS TO COMPLETE

You must show your supervisor your completed ethics form and obtain their agreement (evidenced through their signature below) that your proposal is of an appropriate academic standard to be forwarded to the DREO. Once your supervisor has signed off the ethics form, it should be passed to the DREO for her approval.

SUPERVISOR

I hereby confirm that this proposal is of an appropriate academic standard to be forwarded to the Departmental Ethics Research Officer

Supervisor name: Dr Louise Brown

Supervisor signature:



Date: 26.08.16

RESEARCH ETHICS OFFICER

I hereby confirm that this proposal is of an appropriate academic standard and is approved.

Ethics Officer name: Dr Ana Cecilia Dinerstein

Ethics Officer signature:



Date: 30.08.16

Appendix F Information Sheet

PhD Research Information Sheet

Between State and Community: Child Protection in Lebanon

Introduction

My name is Thomas El-Hoss I am an Economic and Social Research Council funded PhD student in Social Work at the University of Bath, England. My broad research interest is around child protection, law 422 and alternative care, including; children's homes, fostering and adoption. For my thesis I am looking to complete fieldwork in Beirut to explore the Lebanese child protection system and how it functions with regards to Lebanese nationals. In particular I am focusing on the relationship between the State's child protection efforts and the work of community-based NGOs, faith-based organisations and the religious courts. As an organisation or individual working within these respective fields I am gratefully seeking your participation.

To what extent can Lebanon reconcile child protection with the country's wider tradition of civil society organisation and religious authority?

Objectives –

- To explore the model of child protection that has developed over the last 20 years
- To examine how the statutory child protection system interacts with civil society to address children at risk
- To investigate to what extent the model has reconciled the ideological and practical implications of religious power-sharing in Lebanon
- To investigate the implications for children at risk

Research process

I am seeking to conduct interviews that will last no longer than one hour with you and/or members of staff at your organisation. I will record these using a Dictaphone and then use the information collected to help inform my study. Interviewees can expect discussions to focus on the issues surrounding child protection in Lebanon, the way in which your organisation addresses children's needs and your experiences of working with vulnerable families. Interviews will of course take place at a convenient location and time.

What you can expect from me

I will ensure that the best ethical standards are maintained throughout the research process. The research has ethical approval from the University of Bath research ethics panel and will be supervised by Dr. Louise Brown who is an experienced Social Work researcher and qualified Social Worker. I will ensure that the research will be completely anonymised so that nowhere in the writing up of the findings will your name, the name of your organisation, or the names of the members of staff that participated appear. I will ensure that no information that could reveal the identity of those who attend your services will be presented in the findings. The recorded interviews will be safely stored on the Dictaphone until completion of the thesis at which point all the data will be destroyed. You will only be asked to discuss issues you feel completely comfortable revealing information about. Involvement in the study is entirely voluntary and you are free to withdraw from the research at any time. Lastly, I will be respectful of any specific ethical requirements or data protection conventions you or your organisation may want me to follow. At the end of the project I will provide a summarised copy of the findings from the study.

There will be an experienced Arabic translator that attends the interview with me. They have been fully briefed on requirements to maintain confidentiality and privacy. It is your decision whether to conduct the interview in Arabic or English; please feel free to choose what is most comfortable. They will also assist transcribing the recording after the interview has finished.

Thank you for taking the time to read this information-sheet and I look forward to hearing from you. Please do pass this on to others who may be interested in taking part. If you have any queries or want to discuss something further please don't hesitate to contact me.

Best wishes,

Thomas El-Hoss

Contact Details:

Name: Thomas El-Hoss

Mobile Number: XXXXXXXXXX

Email Address: teh28@bath.ac.uk

Supervisor Contact Details:

Name: Dr. Louise Brown

Position: Associate Professor

Email Address: L.Brown@bath.ac.uk

Appendix G Consent Form

University of Bath
Department of Social and Policy Sciences
Social Work and Applied Social Studies

Participant Consent Form

Research title: Between State and Community – Child Protection in Lebanon

- I agree to take part in the following research project which focuses on the topic of child protection and alternative care in Lebanon.
- There are no risks in participating in this research beyond those experienced in everyday life. However, I understand that the interview will involve discussing personal topics which have the possibility to cause distress or discomfort. Some questions also involve discussing professional practice and organisational performance. I understand I am only asked to discuss issues I feel comfortable revealing information about and that the interview can be stopped at any time.
- I have had the principles of the research and the research procedure explained to me I understand them fully and am happy to partake.
- I am aware that participation in this research is confidential. The data collection methods may ask for information that would identify who the responses belong to; but pseudonyms will be applied to mitigate this risk.
- I understand that in the event of any publication or presentation resulting from the research, my anonymity will be protected to every extent possible.
- I have been explained that the interview will be recorded and that only the researcher will have access to the data which will be stored securely at their place of residence. Upon completion of the thesis this data will be destroyed.
- I understand a translator briefed on the study's confidentiality and privacy requirements will assist during the interviews and transcription of data.
- I understand that my involvement in the study is voluntary and that I am free to withdraw from the research at any time.

Name (please print)

Signed.....

Date.....