

JUSTICE FOR ME IS **LIVING FREELY**
AND AS A **HUMAN BEING**



**AN ANALYTICAL STUDY OF ACCESS TO JUSTICE
FOR SEXUAL AND GENDER-BASED VIOLENCE CASES
OF SYRIAN REFUGEE WOMEN IN LEBANON**



From
the People of Japan

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TABLE OF CONTENTS

9	Executive Summary
11	Summary of Main Findings
14	Key Recommendations
17	1. Research Objectives & Scope
19	1.1. Research Matrix
20	2. Research Approach and Methodology
20	2.1. Approach
20	2.2. Methods
20	2.2.1. Literature Review
21	2.2.2. Tool Development
25	2.2.3. Sampling Strategy
26	3. Limitations & Mitigation Measures
27	4. Key Findings
27	4.1. What Pathways Can Syrian Refugee Survivors Follow To Access Justice For SGBV In Lebanon?
27	4.1.1. Informal Justice Mechanisms
35	4.1.2. Formal Justice Mechanisms
44	4.1.3. Socio-Cultural Barriers and Power Dynamics Impacting Access to Justice
47	4.1.4. National Regulatory Systems’ Impact on Access to Justice
51	4.2. What are Syrian refugees’ experiences with formal and informal justice mechanisms to address SGBV?
50	4.2.1. Refugee Community’s Understanding of Their Rights Related to Justice
52	4.2.2. Resources Refugee Survivors Require to Access Justice in Lebanon
57	Conclusion
57	Recommendations

LIST OF TABLES

- 19 Table 1: Research Matrix
- 22 Table 2: Case Study Matrix
- 23 Table 3: E-KII Sampling
- 24 Table 4: Survey Sampling
- 25 Table 5: Data Collection Activities
- 26 Table 6: List of Limitations & Mitigation Measures
- 28 Table 7: Actors Engaging in Informal Justice Mechanisms

LIST OF FIGURES

- 18 Figure 1: Pathways To Justice
- 24 Figure 2: Survey Respondent Demographics
- 32 Figure 3: Do You Have A Preference For Seeking Formal vs. Informal Justice Services If They've Experienced A Form Of Harm (N=227)
- 33 Figure 4: If You Prefer Informal Justice Mechanisms, What Are The Reasons? (N=53)
- 43 Figure 5: Of survey respondents who know people who faced challenges in accessing the legal system, what were the main challenges they faced? (N=33)
- 46 Figure 6: Barriers To Seeking Justice (N=22)
- 50 Figure 7: Challenges With Legal Stay Reported By Survey Respondents (N=227)
- 52 Figure 8: Are You Aware Of Formal/Legal And Informal Ways To Resolve Incidents Of SGBV? (N=63)

LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSI	Case Study Interview
CSW	Commission on the Status of Women
E-KII	Expert Key Informant Interview
FGD	Focus Group Discussion
FHH	Female Headed Household
GBV	Gender-Based Violence
ISF	Internal Security Forces
ITS	Informal Tented Settlement
KII	Key Informant Interview
LBQT	Lesbian, Bisexual, Queer, and Trans women
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and other marginalized gender and sexual identities
M&E Staff	Monitoring & Evaluation Staff
NGO	Non-Governmental Organisation
Non-FHH	Non-Female Headed Household
Non-ITS	Non-Informal Tented Settlement
SGBV	Sexual and Gender Based Violence
UNHCR	United Nations High Commissioner for Refugees
UNICEF	The United Nations Children's Fund
UN Women	The United Nations Entity for Gender Equality and the Empowerment of Women
VoIP	Voice over Internet Protocol

GLOSSARY OF TERMS

The language used in this report aims to allow readers from different technical backgrounds to understand the content and findings. As such, the terms and expressions used are both technically accurate and accessible. However, awareness of the following terms will deepen the reader’s understanding of its content:

ACCESS TO JUSTICE

States’ duty to implement a range of measures including, where necessary, amending domestic law to properly define crimes that encompass acts of violence against women, with procedures for investigations, prosecutions, and access to effective remedies and reparation. While justice for individual women is often assumed to reside in a criminal justice response to the perpetrator, women may identify other aspirations as their idea of justice for harm done to them, such as: the ability to seek safety through effective protection orders; physical and mental recovery through health services; and/or the opportunity to seek a divorce and a new life free from the violence of a spouse. Often these forms of justice must be in place before a woman feels able to access justice through criminal law (International Commission of Jurists).

CHILD MARRIAGE

Any formal marriage or informal union between a child under the age of 18 and an adult or another child (UNICEF).

CONVERSION THERAPY

The pseudoscientific practice of trying to change an individual’s sexual orientation from homosexual or bisexual to heterosexual by using psychological, physical, or spiritual interventions. There is no reliable evidence that sexual orientation can be changed, and medical institutions warn that conversion therapy practices are ineffective and potentially harmful.

CORRECTIVE RAPE

A hate crime in which one or more people are forced to have sexual intercourse simply because of their perceived sexual orientation or gender identity. Commonly the perpetrator intends for the rape to subsequently lead the person to become heterosexual or otherwise conform to accepted gender norms and roles.

FEMALE-HEADED HOUSEHOLD

Household in which an adult female is the sole or main income producer and primary decision-maker.

FORCED HETEROSEXUAL MARRIAGE

A marriage where one or both people involved are compelled to marry against their will and without their permission, explicitly because they are homosexual or are gender non-conforming. Often pressure or abuse is used to force the marriage, including emotional pressure by being made to feel that their sexual orientation or gender identity brings shame on the family.

FORMAL JUSTICE

State-sanctioned legal system which defines rights and entitlements and consequences for legal misbehaviour, in accordance with human rights. Formal justice mechanisms follow Lebanese policy and procedures, and disputes are resolved through the courts and formal councils typically through litigation. Various state institutions are in place to monitor the application of relevant laws and regulations.

GENDER NON-CONFORMING INDIVIDUALS

Describes individuals who gender identity or gender expression differs from the gender norms associated with the sex they were assigned at birth.

GENDER NORMS

The societal standards, expectations, and ideas about how men and women should be and act. These expectations are often what gender identity generally conforms to, within a range that defines a particular society, culture, or community at that point in time. These are heavily influenced by patriarchal norms.

INFORMAL JUSTICE

Any system to redress abuse that falls outside of state-regulated protections. These are typically community-based and involve reliance on social structures to resolve an issue. Such mechanisms are often resorted to when an individual – in particular, for the purposes of this study, a refugee – cannot meaningfully access the formal justice system. Informal systems cannot guarantee alignment with human rights or national constitutional rights.

MULTI-SECTORIAL RESPONSE

SGBV survivors’ access to medical support, psychosocial support, safety and security, justice, legal aid, and socio-economic empowerment/livelihoods support (GBV in Emergency Standards).

PHYSICAL VIOLENCE

An act attempting to cause or resulting in pain and/or physical injury. It includes beating, burning, kicking, punching, biting, maiming, the use of objects or weapons, and tearing out hair. At its most extreme, physical violence may lead to femicide or the gender-based killing of a woman. Some classifications also include trafficking and slavery.

PSYCHOLOGICAL VIOLENCE

Includes threatening behaviours that do not necessarily involve physical violence or even verbal abuse. Can include actions that refer to former acts of violence, or purposeful ignorance and neglect of the other. Psychological violence may also be perpetrated through isolation or confinement, withholding information, disinformation, etc.

RESPONDENTS

Refers to the collection of female individuals interviewed as part of this study's qualitative and quantitative data collection. As this research primarily deals with the experiences of women, respondent data is deemed to take precedent over responses data.

RESPONSES

Refers to the collection of individuals' responses to different questions that were part of this study's overall data collection: surveys, interviews, and focus group discussions.

SEXUAL COERCION

Unwanted sexual activity that happens when you are pressured, tricked, threatened, or forced in a nonphysical way.

SEXUAL AND GENDER-BASED VIOLENCE

Refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships. It encompasses threats of violence and coercion. It can be physical, emotional, psychological, or sexual in nature, and can take the form of a denial of resources or access to services. It inflicts harm on women, girls, men, boys, and gender minorities.

SEXUAL HARASSMENT

Any unwelcome sexual advance, request for sexual favours, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another.

SEXUAL VIOLENCE

Includes rape (sexual violence including some form of penetration of the victim's body), marital rape, and attempted rape. Other types of forced sexual activities include being forced to watch sexual acts, forcing the performance of sexual acts in front of others, forced unsafe sex, sexual harassment, and, in the case of women, abuse related to reproduction (forced pregnancy, forced abortion, forced sterilization).

SHAWISH

Person overseeing the sub-letting and use of land in Lebanon. For Syrian refugees this means they may be a landlord and/or an employer (agriculture), as well as the overall gatekeeper of assistance coming in and out of an informal settlement.

SOCIO-ECONOMIC VIOLENCE

The cause and an effect of dominant gender power relations in societies. Typical forms include taking away the victim's earnings, not allowing her to have a separate income (forced 'housewife' status, working in the family business without a salary), or making her unfit for work through targeted physical abuse. In the public sphere this can include denial of access, mainly to women, to education or (equally) paid work; denial of access to services; exclusion from certain jobs; and denial of the enjoyment and exercise of civil, cultural, social, or political rights.

TRANSGENDER

Individuals whose current gender identity differs from the sex they were assigned at birth.

VERBAL VIOLENCE

Includes put-downs in private or in front of others, ridiculing, the use of swear-words that are especially uncomfortable for the other, and threats of other forms of violence against the victim or against somebody or something dear to them. Sometimes the verbal abuse is related to the background of the victim, insulting or threatening her on the basis of religion, culture, language, (perceived) sexual orientation, or traditions.

WASTA

The use of one's connections or clout to unduly influence authorities and decision-makers.

EXECUTIVE SUMMARY

During times of emergency and in fragile settings affected by crises, women and girls are disproportionately exposed to human rights abuses, violations, and violence due to their gender identity. Meaningful justice for their plight almost always involves a long process mired in an immense number of challenges and barriers.

More than ten years into the Syrian refugee crisis and embroiled in the ongoing COVID-19 pandemic, Lebanon continues to grapple with a complex humanitarian and economic predicament, hosting the largest number of refugees per capita in the world.¹ The legal and social protection environment for Syrian refugees in Lebanon continues to be precarious, with diminished access to state-led justice systems which contributes to refugees' use of community-based justice mechanisms, referred to in this report as formal and informal justice mechanisms respectively. The pandemic and ensuing economic turbulence have exacerbated conditions for Lebanese citizens and Syrian refugees alike, with spikes in sexual and gender-based violence (SGBV), including domestic and intimate partner violence as well as some of the worst forms of SGBV, such as sex trafficking and early marriage.² Intermittent national lockdowns have resulted in halts of judicial procedures, despite efforts to move justice mechanisms online, even as criminal offenses are on the rise. This has slowed efforts for legal redress of offenses. Prevalent patriarchal socio-cultural norms, laws, and institutions accentuate the impact on women and girls, especially within Syrian refugee communities.

It is within this context that UN Women conducted the current study, in collaboration with Triangle, and with support from KAFA (enough) Violence and Exploitation, ABAAD Resource Centre for Gender Equality, Justice Without Frontiers (JWF), Helem, and Legal Action Worldwide (LAW). The aim of the study is to understand the pathways that Syrian refugee women utilise to access justice for SGBV cases in Lebanon, both in the state legal and judicial system (formal) and within community-based mechanisms (informal). Focus is given to unpacking the informal justice landscape for Syrian refugee communities, given the limited concrete documentation of community-based dispute resolutions and related practices specifically for SGBV issues. The report suggests short-term and long-term interventions to improve justice mechanisms in Lebanon and includes recommendations for humanitarian and development stakeholders to mitigate risks and maximise positive outcomes for survivors seeking justice. Provided below is an overview of the study's data, which was driven by the voices of Syrian refugee women through a focus on collecting qualitative data from female refugee survivors in Lebanon. Qualitative data was also sourced from expert key informants and the broader population of Syrian refugee community members and supplemented with a quantitative survey on Syrian refugee women's perceptions of SGBV and justice.

Previous assessments show that nearly half of the Syrian refugee community report SGBV as a problem, with many indicating that underreporting means that there are even fewer survivors accessing the services they need.³ While Syrians in Lebanon have the legal right to access justice for incidents of SGBV,⁴ the right

1 UNHCR (n.d.) "Lebanon." Available at: <https://reporting.unhcr.org/lebanon>

2 Kafa (2020). "Calls Have Doubled Due to Lengthy Confinement and Crimes against Women." Available at: <https://www.kafa.org.lb/en/node/413>

3 UN Women (2018). *Unpacking Gendered Realities in Displacement: The status of Syrian refugee women in Lebanon*. Available at: <https://www2.unwomen.org/-/media/field%20office%20arab%20states/attachments/2018/16-days/syriacrisisimpact-lebanon-final2.pdf?la=en&vs=3545>

4 Article 7 of the Code of Civil Procedure.

is only afforded to Syrians with legal residency – a mere 20% of the population.⁵ The remaining 80% of Syrian refugees in Lebanon do not have legal residency, and remain undocumented or with irregular legal status remain cut off from Lebanon’s state-led (formal) justice system. As a result, many of Syrian refugee women’s grievances for violence are left outside of the law, as pursuing justice for crimes can put them at risk of detention, imprisonment, or deportation. Further impediments exist at personal, socio-cultural, and institutional levels. The administration of justice is fraught with discriminatory policies and practices, the lack of effective prosecution of perpetrators, and patriarchal approaches to addressing SGBV cases. Such a gendered socio-cultural context is pervasive at all levels of both formal and informal justice mechanisms, limiting the ability of women and girls, as well as gender non-conforming individuals, to seek and successfully attain justice for their abuse. Male dominated justice structures and law enforcement at the highest levels as well as male family and community members play a strong intervening role in whether and how any form of justice is sought. Women are typically expected to endure their abuse and in cases of domestic violence, or where the perpetrator is familial, to settle it internally without involving external actors, including the state. Compounding this is the stigma associated with those who do seek justice, including being told they bring shame and dishonour on their family.^{6,7}

Several factors further complicate survivors’ access to justice in Lebanon, including the regulatory environ-

ment governing the status of refugees, women’s economic vulnerabilities, and a lack of information about legal entitlements and justice pathways. Fewer Syrian refugee women have legal residency, compared to men (18% v.s. 23% respectively).⁸ Furthermore, some abusers confiscate women’s personal or residency documents, especially if the survivor and perpetrator are from the same household. Court cases can also be cost-prohibitive, as few Syrian women have access to work. The estimated female labour force participation rate in the Syrian refugee community hovers around 12%, compared to the 65% of Syrian refugee men who work.⁹ Moreover, of those women who do work, most work in exploitative conditions with low wages. Lastly, women often lack quality information about their rights and the procedures to follow to access justice for SGBV. There are challenges in understanding the definitional nuances of informal and formal justice mechanisms; how they differ; and, at times, intersect. Insufficient availability of legal professionals with both SGBV expertise and the humanitarian field serving refugees, as well as law enforcement with limited capacity on SGBV and female staff, are systemic barriers for the refugee community.

The lack of (and access to) requisite legal documents, fear of repercussions or discriminatory treatment from the Lebanese authorities, an inability to afford legal counsel, and social pressure from the community deters Syrian refugee women from accessing state-led (formal) justice pathways. Respondents in the study indicated that this is often compounded by the perceived and actual inefficiencies in formal justice mechanisms, which have slowed during the pandemic

5 UNHCR, UNICEF, WFP (2020). *Vulnerability Assessment of Syrian Refugees in Lebanon*. Available at: <https://reliefweb.int/report/lebanon/vasyr-2020-vulnerability-assessment-syrian-refugees-lebanon>.

6 UNDP, UN Women and UNPFA (2018). *Gender-Related Laws, Policies and Practices in Lebanon*. Available at: https://civilsociety-centre.org/sites/default/files/resources/gender_justice_in_lebanon_final_report_eng.pdf

7 IRC (2012). *Syrian Women & Girls: Fleeing death, facing ongoing threats and humiliation*. Available at: <https://data2.unhcr.org/en/documents/download/36572>

8 UNHCR, UN Women, UNICEF, and WFP (2020). *Gender Analysis: 2020 Vulnerability Assessment for Syrian Refugees in Lebanon*, p. 7. Available at: <https://data2.unhcr.org/en/documents/details/85003>

9 Ibid.

due to public health measures and a rise in SGBV crimes. Emerging evidence show that SGBV survivors who choose to seek justice will often first or uniquely seek community-based justice solutions, especially in cases of familial violence. These community-led justice mechanisms fall outside of state-regulated legal structures and are unaccountable to national and international legal and human rights.¹⁰ In Syrian refugee communities in Lebanon, these are almost always led by male religious leaders or male-led committees and utilise community-based mediation. Despite Syrian women’s utilization of informal mechanisms, this study finds that most refugee women are dissatisfied with community-led dispute resolutions or mediation in cases of SGBV, and do prefer to utilize formal justice mechanisms, when they are allowed and able.

Despite these immense and myriad challenges, it is essential that international and national actors work to improve how Syrian refugee survivors in Lebanon are able to access to justice in response to violence, as well as the efficiency and efficacy of judicial processes. This report aims to support the strengthening of governmental institutions and international and national organizations to ensure that justice is accessible for all survivors of SGBV in Lebanon, including Syrian refugee women.

SUMMARY OF MAIN FINDINGS

BARRIERS TO JUSTICE

- **Most women included in the study were not aware, or were very minimally aware, of their rights as refugees in Lebanon and the legal services available to them.** Approximately 17% of surveyed

Syrian refugee women reported knowledge of formal or legal ways to resolve incidents of SGBV and 43% reported awareness of informal ways; 32% conveyed awareness of both, while 14% were not aware of any options. There is also a perception that Syrian refugees are not afforded the same legal protections as Lebanese citizens, sometimes based on discrimination they have witnessed or experienced, and many are not clear on the pathways for formal and informal justice available to them specifically.

- **Patriarchal socio-cultural barriers, particularly the influence of male family members, religious leaders, and men across Lebanon’s judicial apparatus, dictate how Syrian refugee women access justice for SGBV – both in the informal and formal justice arenas.** The study found no evidence of female Syrian refugee sheikhs, Shawish, and community committee members that intervene on SGBV issues and there are only a limited number of female security and legal professionals across the country. Families and communities usually expect survivors to endure domestic violence and reconcile with the perpetrator or abuser. If they pursue a legal case or informal mediation, they may face retribution or ostracization. This is further heightened in the case of violence against lesbian, bisexual, queer, or trans women (LBQT), who face high rates of sexual blackmail when their identities are made known or can be disowned by the families and relatives. If legal redress by survivors is sought, they must consult men in every step of that legal process. Female survey respondents reported not seeking justice due to being afraid of the consequences (65%), social stigma and shame (52%), and believing that it will not change anything (48%).¹¹

¹⁰ Article 74 of Lebanese Civil Procedure Code which states that “International jurisdiction of Lebanese courts are subject to the national jurisdiction without distinction between a Lebanese and foreigners”.

¹¹ Respondents could choose multiple options.

INFORMAL JUSTICE

- **Among those who pursue justice, Syrian refugee women tend to utilise informal justice first in cases of familial violence due to societal and familial pressures and are more inclined to seek formal options for legal redress if the perpetrator is not within the family.** Due to cultural norms wherein SGBV is a private matter, survivors are often pressured by family members and relatives to address issues of domestic violence internally, or with the support of a sheikh or community leader. The survey found that, of those who chose informal justice, the leading reasons were that they trusted informal authorities to better understand their situation (57%), could not afford legal counsel (47%), and/or were afraid of repercussions by Lebanese governmental authorities (34%).¹² If abuse continues or worsens, a survivor may then choose to go to the police or to a non-government service provider who may be able to provide legal advice or support. This may be adopted more readily as a first step in instances of non-familial abuse. The survey found that Syrian women believe that almost half of refugees who have experienced a form of harm prefer utilizing the formal justice system (41%), and approximately one quarter prefer informal practices (24%); the remaining 18% of women reported that there was no preference, and 17% were unsure.

- **Informal justice actors reinforce existing gender discrimination and structural injustices against women as they are male-dominated and unaccountable to Lebanese or international law, and largely untrained in SGBV or human rights.** Despite numerous barriers to formal justice, female survivors discuss dissatisfaction with informal justice mediation due to unfavourable outcomes, a lack of prosecution or other

consequences for the perpetrator, and the socio-cultural and religious factors that influence proceedings often not being in favour of the woman.

FORMAL JUSTICE

- **The economic fragility of survivors and dependency upon their perpetrators (particularly in cases of domestic abuse) is a major barrier for women to access formal justice mechanisms.** Both a restrictive regulatory environment (legal status and work permits) and strong socio-cultural norms against women’s engagement in income generation limit the achievement of economic independence of women. In addition, women often experience economic deprivation from their domestic abuser, which contributes to cycles of abuse. Long-term sustainable economic interventions to support the economic independence of female refugee survivors remain limited in the current crisis.

- **LBQT Syrian refugee women confront significant barriers to accessing the formal justice system due to their gender identity and/or sexual orientation.** LBQT refugee women, in addition to refugees in the wider community of people who are lesbian, gay, bisexual, trans, intersex, queer, or have other marginalized gender and sexual identities (LGBTIQ+), are extremely prone to SGBV and regularly face harassment, abuse, and persecution from state actors, society, and, at times, even humanitarian workers.¹³ In addition to rape, sexual assault, harassment, and domestic violence, LBQT women face specific types of SGBV, including corrective rape, anal exams or rape tests, conversion therapy, and forced heterosexual marriage (see glossary for further definitions), which go widely undocumented, underreported, and unaddressed by

¹² Respondents could choose multiple options.

¹³ Heartland Alliance International (2014). “No Place for People Like You”: An Analysis of the Needs, Vulnerabilities, and Experiences of LGBT Syrian Refugees in Lebanon. Available at: https://www.heartlandalliance.org/wp-content/uploads/sites/13/2016/02/no-place-for-people-like-you_hai_2014.pdf



SGBV responders. Moreover, the mere existence of LG-BTIQ+ populations are criminalized under the pretence of Article 534 of the Lebanese Penal Code which states that any sexual intercourse “contrary to the order of nature” is punishable by up to one year in prison.¹⁴ If LBQT survivors report any type of SGBV (particularly those involving sexual acts) to the authorities, they could legally be accused of criminal behaviour.

- **Challenges in obtaining, renewing, or replacing both civil documents and those which facilitate legal stay (e.g., residency) prevents survivors from initiating steps to access formal justice mechanisms.**

The refugee community holds a significant fear of detention, arrest, or fines if caught without or with expired or incomplete paperwork. The lack of certain documents can preclude them from raising a case in criminal court. The survey found that 44% of female respondents avoid seeking justice options due to fear related to their residency status and, of survey respondents who have residency concerns or fear arrest or forced return to Syria, 64% of women say this would keep them from reporting a violation or abuse.

In addition, obtaining important civil documents can require survivors to travel to Syria under life-threatening conditions or, in some cases, the perpetrator monopolises family documents or other important paperwork needed for the survivor to access services.

- **The limited number of well-trained security personnel and qualified legal professionals, particularly those that are female, deters Syrian refugee women from pursuing legal redress.** Internal Security Forces (ISF) officers (i.e., police) are the first point of entry to the formal justice system for many survivors and the way the officers handle cases varies greatly. There are few female police officers and/or trained SGBV focal points and insufficient legal professionals to help survivors navigate the judicial system and/or to adequately explain Syrian refugee women’s rights to equip survivors to do so independently. In many cases, legal actors and law enforcement professionals are not themselves well-versed in refugee rights (or human rights more broadly) or SGBV and may rely on misinformation or implement the law in inconsistent or subjective ways. This is particularly true in courts and police stations outside of the capital.

¹⁴ Article 534 of the Lebanese Penal Code.

KEY RECOMMENDATIONS

I) ADDRESSING THE LEGAL PROTECTION ENVIRONMENT AND LEBANESE JUDICIAL SYSTEM

GENDER CAPACITY AND REPRESENTATION

- Invest in long-term capacity building and performance management of law enforcement and legal professionals specifically related to SGBV in the refugee community. The inconsistency in how refugee survivors are treated once they report their case to the ISF or police, as well as the prevalence of maltreatment, reduces the chances they will continue with the process.
- All police stations should have a designated focal point for SGBV, accompanied by widescale trainings mandated to ensure sensitivity to the handling of these cases; stations must also have separate rooms for confidential and safe discussion with survivors.
- Accountability mechanisms should monitor performance and for violations of human rights or mistreatment of survivors. Mechanisms should ensure violations are met with disciplinary measures. Examples include complaints mechanisms accessible to refugees.
- Develop gender-sensitive manuals and provide systematic and ongoing training for legal professionals (lawyers, paralegals, judges), law enforcement (police, investigators), and other justice actors (forensic doctors and experts) on issues related to SGBV, such as existing domestic legislation and international law, the rights of women and refugees, and survivor experiences.
- Provide technical assistance to Lebanese justice institutions to develop measures for expeditious legal

proceedings and the fast-tracking of SGBV cases to address backlogs and delays.

- Advocate for, in alignment with Lebanon’s National Action Plan 1325, the recruitment of women in leadership positions within the justice system and security sector.

LEGISLATIVE AND POLICY REFORMS

- Support Lebanese legislative reforms that address gaps in the legal protection of women. This includes the adopting a personal status law, a minimum marriage age of 18, and a definition of sexual violence; criminalizing marital rape; and repealing discriminatory articles of the Lebanese penal code.
- Advocate for more permissive policies on legal stay for refugees, including faster and more affordable residency approval procedures that reduce harsh penalization for those with vulnerabilities.

DATA AND MONITORING

- Support local women’s organizations to report on discrimination, harmful practices, and violations of women’s rights. Additionally, establish mechanisms to allow them to monitor and document the experiences of women with informal and formal justice systems, including the procedures and outcomes.
- Assist with the establishment of institutional systems of reporting, data collection, and analysis in Lebanon so that SGBV occurrence may be tracked, case management and progress in delivering justice for SGBV crimes may be monitored, and areas for improvement identified in justice and law enforcement sectors.

GUIDANCE ON ENGAGING WITH INFORMAL JUSTICE SYSTEMS¹⁵

In line with CEDAW, it is always preferred for women to utilize formal justice mechanisms as they are better positioned to protect women’s rights. However, given that Syrian refugee women in Lebanon are utilizing informal justice mechanisms, there is an increased need to understand how international and national actors deal with these community-based mechanisms. The following recommendations provide guidance on how actors might be able to effectively engage with community-based justice structures, with the primary goal of ensuring women’s access to justice in the face of violence.

- Focus on empowering women to make informed decisions when seeking justice, if they are choosing or forced to participate in informal justice processes in their community.
- As a guiding principle, ensure that any engagement with informal justice systems and actors focus on improving women’s human rights and ensuring their practical realization.
- Increase the evidence base on women’s experiences with informal justice and strengthen the investment in participatory and collaborative research that informs policy and programming on access to justice.

¹⁵ International Development Law Organization (n.d.). *Issue Brief: Navigating Complex Pathways to Justice: Women and Customary and Informal Justice Systems*. Available at: <https://www.idlo.int/sites/default/files/pdfs/publications/idlo-issue-brief-women-cij-final-web.pdf>

II) RESPONDING TO BARRIERS IN SERVICE PROVISION

ACCESS AND AWARENESS

- Advocate for increased resources to be devoted successful models of multi-model support centres for survivors. When survivors can access psychosocial support, legal support, medical or health support in a single safe and unstigmatized location, it increases the chances that through this entry point more survivors will report and seek justice for their abuse. Such approaches exist in Lebanon but should be amplified, better resourced, and ensure a more consistent quality of service provision.
- The establishment of safe houses for LBQT women and other members of the LGBTIQ+ population in Lebanon, which currently do not exist in-country, as well as training specific to the needs of these populations for SGBV actors, should be part of this approach.
- Increase the availability of legal information and enhance women’s knowledge of their rights, existing laws, different pathways to seek justice, and available legal support to enable them to make informed choices and to challenge informal justice practices when they contravene formal laws or international human rights.
- Ensure that referral networks for female refugees are accessible, especially in camps and remote areas.

LEGAL SUPPORT AND MULTI-SECTORAL SERVICES

- Provide legal advice and representation for female refugees to regularize their temporary stay in Lebanon and enable them to seek justice through the formal system in SGBV cases.

- Establish a feedback/complaint mechanism to report on the case management services provided by police stations and personnel to female refugees in SGBV cases.
- Allocate sufficient state and humanitarian resources to secure and staff appropriate, specialized, and comprehensive violence support services in remote areas, including shelters; hotlines; and medical, psychosocial, and counselling services.
- Ensure financial support for legal, forensic, medical, and transportation costs is available to SGBV survivors.
- Support female refugees in navigating justice mechanisms through legal clinics, community centres, or local women’s rights organizations.

COORDINATION

- Support the development and implementation of appropriate protocols and standardized documentation, such as police medical examination forms that could be used in evidence, are easy to complete, and contain appropriate sections to guide a court of law in appreciating the circumstances of the crime and the impact that it had on the survivor.

LIVELIHOODS AND

WOMEN’S ECONOMIC EMPOWERMENT

- Prioritize funding for sustainable, reliable, and transparent economic empowerment programming aiming to establish economic independence for female refugee survivors of SGBV. Such approaches should recognize the barriers refugee women face with engagement in income generation and find ways to facilitate their safe engagement in the labour market.

III) TRANSFORMING INDIVIDUAL AND COMMUNITY-LEVEL BARRIERS

PATRIARCHAL SOCIAL NORMS

- Facilitate community dialogue on women’s rights, access to justice in response to SGBV, and legal protections. Emphasize women’s right to seek legal redress in response to both family and non-family violence.
- Scale-up programming that engages men and boys, particularly religious and community leaders, to prevent and respond to SGBV and ultimately change harmful male behaviours and attitudes.

1. RESEARCH OBJECTIVES & SCOPE

To better understand how Syrian refugee survivors of SGBV in Lebanon seek and/or receive justice for their abuse, this research set out to examine access to Lebanon’s formal and informal justice mechanisms for SGBV cases, highlighting the available services for Syrian refugees and the effects and impact of both types of justice. The research is grounded in feminist methodologies that centre women’s lives and prioritise the perspectives and voices of refugee women throughout the process to drive its formation and analysis. This study also built upon women’s experiences to look at factors that interrupt access to justice mechanisms, such as women’s legal and identity documentation, geographical location of residence, income status, period of stay in Lebanon, legal literacy, awareness, knowledge of violence against women and girls, etc. In doing so the research sought to answer the following three key questions:

1. What pathways do Syrian refugees follow to access justice for SGBV in Lebanon?
2. What are the experiences with justice mechanisms that Syrian refugee survivors of SGBV have?
3. What are the recommendations to improve refugee survivors’ access to justice?

For the purposes of the study, researchers utilised the following operational definitions of formal and informal justice mechanisms within the Lebanese context related to refugees:

FORMAL JUSTICE SYSTEM

The formal justice system refers to the state-sanctioned legal system which defines rights and entitlements and consequences for legal misbehaviour, typically without discriminating amongst individuals and in accordance with human rights. Formal justice mechanisms follow Lebanese policy and state mandated procedures accordingly with the aim of equal and consistent application of the law. Disputes are resolved through the courts and formal councils typically through litigation. Various state institutions are in place to monitor the application of relevant laws and regulations.

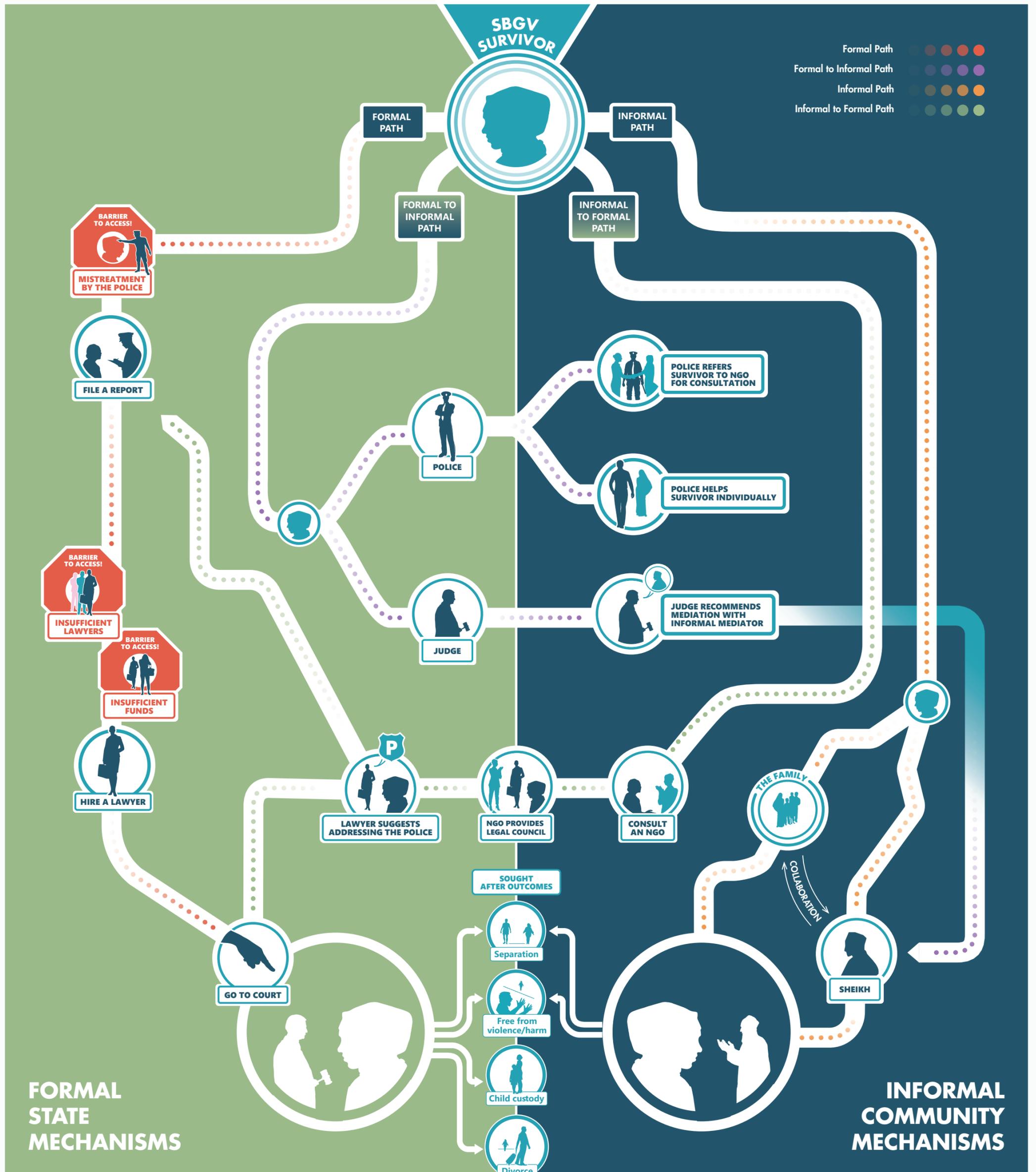
INFORMAL JUSTICE SYSTEM

Any system to redress abuse that falls outside of state-regulated protections. These are typically community-based and involve reliance on social structures to resolve an issue. Informal justice usually depends on alternative dispute resolution (ADR) mediated sometimes by a religious authority or another arbiter in the community. In Lebanon, ADR is recognized as an independent mechanism, which can in some cases link to the judicial system. Such mechanisms are often resorted to when an individual – in particular, for the purposes of this study, a refugee – cannot meaningfully access the formal justice system. Informal systems cannot guarantee alignment with human rights or national constitutional rights.

The research produced primary qualitative and quantitative data and was supported by the review and use of implementing partners’ information and assessments of survivor case data. On this basis an analysis was run, findings triangulated, and recommendations formulated to support future programming that promotes pathways to increase the safe access of Syrian refugee women to justice in response to SGBV.

PATHWAYS TO JUSTICE

FOR SYRIAN REFUGEE SURVIVORS OF SEXUAL AND GENDER-BASED VIOLENCE





1.1. RESEARCH MATRIX

Utilising the above-mentioned feminist approach, this research sought to answer the overarching research question through exploring two lines of inquiry and the linkages between them. To examine both existing pathways to which SGBV survivors might address their case,

as well as their personal experience with said pathways, Triangle developed the research matrix presented in Table 1 to provide second-level questions and guide the targeting of research subjects. The matrix further breaks down the lines of inquiry into sub-questions to refine the scope of the research by looking at SGBV-related protection risks and outcomes of justice mechanisms.

TABLE 1: RESEARCH MATRIX

<i>Lines of Inquiry</i>	<i>Research Questions</i>	<i>Sample sub-questions</i>
Pathways to address SGBV/harassment	What pathways can Syrian refugees follow to address sexual and gender-based violence (SGBV) in Lebanon?	What are the main formal and informal avenues available to Syrian refugee women to respond to SGBV/harassment risks, incidents, and experiences –and how do women engage with these avenues?
		How do the broader protective environment and unequal power dynamics affect how Syrian refugees respond to SGBV/harassment risks, incidents, and experiences?
		How do the national legal and regulatory systems (e.g., legal stay status and access to work/public sphere) affect access to formal/informal justice for Syrian refugee women?
Experiences with pathways to address SGBV/harassment	What are the experiences with justice mechanisms for Syrian refugee women with SGBV cases?	How do women in the Syrian refugee community understand their rights and the formal/informal bodies which address access to justice in cases of SGBV in Lebanon?
		What are the main institutional, social, and individual level barriers to justice that Syrian refugee women face when seeking out justice for acts of SGBV?
		What harmful or positive coping mechanisms change depending on whether Syrian refugee women have access to formal and/or informal mechanisms?
		What are the main resources women require to increase their access to effective justice mechanisms, be they formal or informal?
		What capacity do formal and informal justice sectors/actors have to safely and ethically respond to incidents of SGBV?

2. RESEARCH APPROACH AND METHODOLOGY

2.1. APPROACH

The research integrates feminist methodologies¹⁶ in qualitative studies wherein the approach centres around women and their concerns, with the goal of generating knowledge that will better women’s lives, catalyse social change, and remove gender inequalities in society. This study sought to elevate the needs, experiences, and perspectives of Syrian refugee women and survivors in Lebanon in an effort to improve their access to dignified and rightful justice. Adopting such an approach required engaging Syrian refugee women from the beginning of the research process and focusing on qualitative data to capture the lived experiences of women’s struggle within a patriarchal context and system. The research was done in collaboration with three national women’s rights organisations (ABAAD, KAFA, and JWF), a national LGBTIQ+ organisation (Helem), and an international non-government organisation (LAW), all of whom have been working with refugees on SGBV-related issues in Lebanon. These organisations supported survivors’ ethical and safe engagement in the research process, as well as reviewed technical tools, analysis, and the final narrative of this study.

Qualitative data acquired through case studies with SGBV survivors, key informant interviews (KIs) with experts in access to justice, and focus group discussions (FGDs), coupled with quantitative data obtained via a phone-based survey as well as available statistics related to refugee justice access for SGBV, ensured the research team obtained both the direct perspectives of survivors who accessed the justice system, in addition

to the broader trends and perceptions within the Syrian refugee community of utilising both formal and informal justice mechanisms.

Qualitative data was analysed using the grounded theory approach, also known as the Glaser-Strauss method. Findings were based on the ordering of data into various categories or themes. Given the elevated risk of COVID-19 transmission, data was collected remotely, utilising mobile phones and computers with the Zoom application. To ensure survivor safety and comfort, all communication was coordinated through case workers working for non-government organisation (NGO) partners, who discussed with participants whether they felt comfortable to participate with the available technological options. When initiating interviews, researchers ensured questions were asked to confirm they were able to speak and were comfortable with the available modality. All data was cleaned, evaluated, and analysed by the research teams for the present report.

2.2. METHODS

Following the inception phase, the research team developed qualitative and quantitative tools for field implementation. Specific questionnaires were developed for case studies with survivors, FGDs, and expert KIs, followed by a quantitative survey to understand refugee community perceptions around accessing justice.

2.2.1. Literature Review

The literature review was done based on publicly available documents and internal reports and documents shared with the researchers. The review included reports from humanitarian and development agencies and organisations, academic sources, grey literature from agencies (such as reports, working papers, and evaluations), and other relevant studies and assessments.

16 Hesse-Biber (2011). *Handbook of Feminist Research*. Los Angeles: Sage Publishing.

2.2.2. Tool Development

Based on the literature review, the research team developed semi-structured questionnaires, prioritizing the information to be gained from survivor case studies, which then informed the adaptation of the other data collection tools per the feminist methodological principle to prioritise the needs and recommendations of Syrian refugee women. The quantitative survey was finalised last, using information from survivor case studies and expert KIIs to optimise the use of perceptions to triangulate qualitative data. Tools were adapted to ensure disaggregation between formal and informal justice mechanisms, with an emphasis on enabling information from tools to inform the lesser-understood environment of informal justice for refugees in Lebanon. The following tools were ultimately developed:

CASE STUDY INTERVIEW (CSI)

Case studies were meant to centre around the voices of female refugee survivors who have engaged in some way with formal and/or informal justice mechanisms, letting their experience guide advocacy and response programming. All efforts were made to speak with survivors more than once throughout the study to ensure their feedback continued to drive the findings, though not all survivors were available to speak a second time, often experiencing constraints related to COVID-19 and challenges accessing communication technology (half of the survivors were interviewed twice). Interviews were informed by semi-structured questionnaires that allowed researchers to return to areas of inquiry in subsequent interviews if not covered within the first interaction, enabling iterative analysis guided by their perspectives.

While efforts were made to conduct interviews in person with the presence of a case worker who has

an established relationship to ensure the comfort and protection of the survivor, circumstances of the pandemic meant that interviews were in fact conducted by phone, Skype, or Zoom directly between the survivor and the researchers. All survivors were initially contacted directly by a case worker identified by implementing partners who had agreed to participate in the study and facilitate communication with the survivor. Case workers then put the individual in touch with the Triangle researchers, who ensured the survivor could safely access the technology needed (e.g., phone, computer with internet access) to conduct the interview remotely. No audio or video recordings were made during sessions with survivors and, while case workers were available to support, they did not join the interviews.

All interviewed survivors were female; the use of the term “survivors” throughout the report therefore corresponds to the perspective of Syrian refugee women. 16 SGBV survivors were consulted in the study, relating their experiences with a total of 16 perpetrators (some cases included multiple perpetrators). 14 perpetrators were husbands of the survivors, 2 were their fathers, and the remaining 2 were non-familial. While some women succeeded in separating from, or even legally divorcing their abusers, many women did not choose to file criminal charges and therefore few perpetrators were held adequately accountable for their violent crimes under the Lebanese judicial system. Several case studies are described in further detail throughout the report, using pseudonyms to maintain the anonymity of the survivors.



TABLE 2: CASE STUDY MATRIX

Case Study #	Marital Status	Age	Region	Nationality	Living	Type of SGBV	Experience with the Justice System
1	Married	38	Shtoura	Syrian	N/A*	Physical and verbal abuse (perpetrator is husband)	Filed complaint with lawyer, dropped the complaint upon family pressure
2	Divorce in Progress	22	Beirut	Syrian	House	Child marriage, physical and verbal abuse (perpetrator is husband)	Consulted NGO, filed lawsuit, faced problem with paperwork withheld by abuser; court dates postponed due to COVID-19
3	Divorce in Progress	24	Beirut	Syrian	House	Physical and verbal abuse, multiple sexual assaults (perpetrator is husband and husband's friends)	Went to police, filed lawsuit but was dropped due to lack of legal status paperwork; filed with religious courts but still no one able to facilitate divorce proceedings
4	Divorced	24	Beirut	Syrian	Refugee Camp	Physical and verbal abuse (perpetrator is husband)	Went to religious court, told to reconcile, then sheikh supported her to leave; referred to NGO, recently achieved divorce; custody still pending
5	Divorced	34	Zahle	Syrian	House	Child marriage, physical and verbal abuse (perpetrator is husband)	Sunni court, first sheikh did not allow divorce, while the second supported. Several pending lawsuits with no progress
6	Divorce in Progress	25	Ouzai	Syrian	House	Child marriage, physical and verbal abuse, stalking (perpetrator is husband)	Consulted multiple police stations, legal counsel, then NGO; divorce and custody decisions pending in court
7	Divorce in Progress	26	Koura	Syrian	House	Physical and verbal abuse (perpetrator is husband)	Filed police report and lawsuit, awaiting court date
8	Single	23	Sour	Palestinian-Syrian	House	Physical and verbal abuse, sextortion (perpetrators include father and boyfriend)	NGO support to file lawsuit, police station lost report, survivor did not pursue another lawsuit; perpetrator remains unprosecuted
9	Separated (trying to divorce)	30	Baalbak	Syrian	Women's Shelter	Sex trafficking, physical abuse (perpetrators include sex traffickers and husband)	Police referred to shelter, receiving legal support for civil documentation and custody; sex traffickers and husband remain unprosecuted
10	Married	N/A	Beqaa	Syrian	Not reported	Child marriage, physical and verbal abuse (perpetrator is husband)	Legal advice through NGO, no case pursued
11	Married (trying to annul marriage)	28	N/A	Syrian	Refugee Camp	Physical abuse, child marriage, human trafficking (to significantly older man – 80 years old at the time of marriage (perpetrators include father and husband)	NGO supported to receive legal aid to try to annul marriage issued illegally by sheikh
12	Has a Partner	N/A	Beirut/Jounieh	Syrian	House	Verbal and psychological abuse for being transgender (perpetrators include unknown men)	Sought lawyer at own expense upon arrest, no report filed
13	Divorced	40	Sarafand	Syrian	House	Sexual assault, rape, including sexual abuse of children (perpetrator is husband)	NGO-supported lawyer worked with sharia judge to help survivor regain custody of children and divorce; husband temporarily detained for taking children away
14	Divorced	N/A	Beirut	Syrian	House	Multiple attempted homicides, physical and psychological violence (perpetrator is husband)	Family first attempted mediation, then contracted lawyer who worked with sheikh to successfully divorce
15	Separated (trying to divorce)	43	Abra	Syrian	House	Rape, verbal abuse (perpetrator is husband)	NGO currently supporting to obtain divorce, court dates continually postponed
16	Divorced	29	N/A	Syrian	Warehouse	Forced marriage, physical and verbal abuse, economic violence (stole UNHCR card/aid) (perpetrator is husband)	No report filed, receiving general assistance from NGOs

* Information not available.





TABLE 3: E-KII SAMPLING

<i>KII Type</i>	<i>Strata</i>	<i>Target Group</i>	<i>Total Kils</i>
E-KIIs	Non-governmental service providers	SGBV specialised service providers	8
	UNHCR SGBV experts	UNHCR SGBV focal points at national and regional levels	4
	Government officials	Relevant officials (i.e., Ministry of Social Affairs, National Commission for Lebanese Women, etc.)	2
	Legal professionals	Lawyers, judges, etc. involved in addressing justice issues for SGBV survivors and refugees	8
	Informal justice actors	Community mediators, religious authorities, etc.	5
Total E-KIIs			27

FOCUS GROUP DISCUSSION (FGD)

FGDs are generally inappropriate for investigating more sensitive SGBV concerns, as the group environment may evoke various forms of harm such as stigma and post-research tensions. Accordingly, FGDs were used to investigate attitudes and perceptions (rather than experiences) around each of the lines of inquiry, such as access to and comfort with formal and informal justice mechanisms, and did not explicitly target survivors of SGBV (although some participants may have been survivors). To accommodate for COVID-19, groups were limited to four or five participants and all were conducted via Zoom and facilitated remotely by the research team.

According to findings from the inception phase, the research team devised a FGD sampling strategy which adopts a purposive stratified sampling method disaggregated on the basis of geography, gender, shelter status (ITS/camp), and household status (i.e., female-headed or not).

EXPERT KEY INFORMANT INTERVIEW (E-KII)

Expert KIIs (E-KIIs) were conducted with technical specialists and key stakeholders as relates to both formal and informal justice mechanisms for Syrian refugees

in Lebanon. E-KIIs utilised semi-structured questionnaires relevant to the person(s) being interviewed. Given the heightened COVID-19 pandemic, it was necessary to conduct interviews remotely by phone, Skype, or Zoom. Where appropriate, and where consent was secured, written notes and an audio recording were completed for each interview to add a second layer of redundancy to the data collected. E-KIIs have been anonymised for this report, while the following table demonstrates the categories of experts included in the study.

QUANTITATIVE SURVEY

To supplement the qualitative data outlined above, a survey tool was designed to be administered to a representative sample of Syrian refugees in Lebanon in order to obtain perception data related to accessing justice for SGBV. The survey was uploaded via Kobo and enumerators used telephones to conduct surveys, enabling rapid upload and analysis to triangulate data received from interviews. The survey was conducted in January 2021 and enumerators were trained in protection principles, data protection, do no harm, and referral protocols. Due to the nature of information the survey was meant to yield, the research team decided to prioritise women in the sam-



ple. Therefore the survey did not target male respondents and instead sought to supplement the primarily female-focused qualitative data sources. Surveys were conducted in Beirut, Bekaa, Mount Lebanon, South and North Lebanon, Baalbek-el Hermel, and Akkar.

The survey had the following objectives:

1. Unpack dynamics around SGBV justice/legal service-seeking behaviours in relation to Syrian refugee status and any specific barriers that exist.
2. Understand perceptions and preferences related to formal vs. informal justice mechanisms and relevant pathways available to refugee survivors.
3. Triangulate and validate qualitative information with hard quantitative data from a representative sample of the target population and disaggregate findings across different markers of interest for this research.

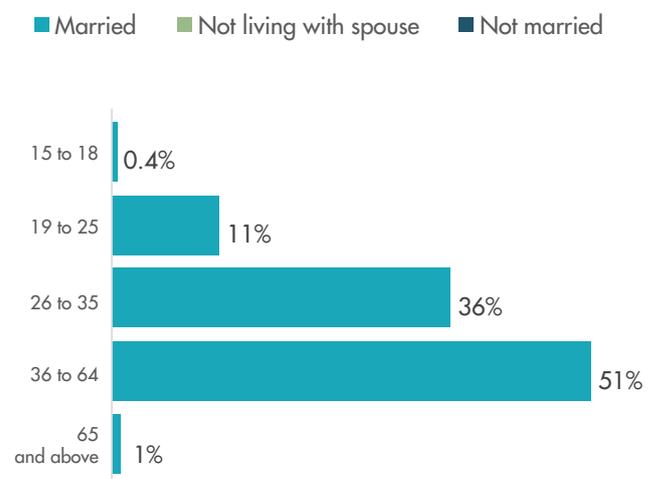
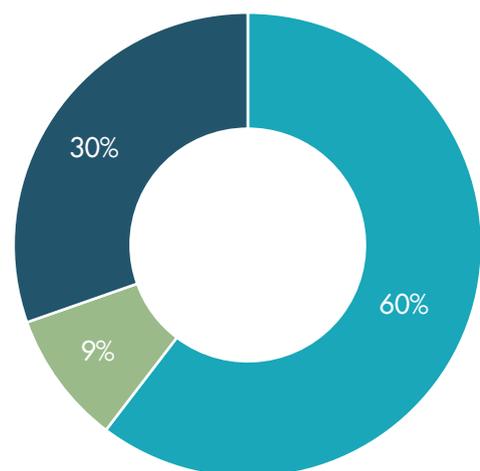
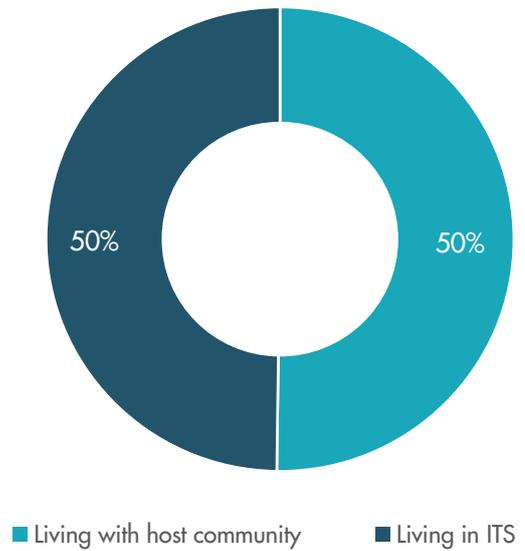
The following highlights the sampling categories for the survey:

TABLE 4: SURVEY SAMPLING

Category	Gender	Shelter Type	HH Type	Number of Surveys
1	Female	IS*	FHH	29
2	Female	IS	FHH	29
3	Female	HC* (non-ITS)	FHH	28
4	Female	HC (non-ITS)	FHH	28
5	Female	IS	Non-FHH	28
6	Female	IS	Non-FHH	28
7	Female	HC (non-ITS)	Non-FHH	29
8	Female	HC (non-ITS)	Non-FHH	28
Total				227

* Informal Settlement
 ** Host Community

FIGURE 2: SURVEY RESPONDENT DEMOGRAPHICS



* All survey respondents were female
 ** Note that some graphs in the remainder of the presentation represent multiple questions and therefore represented data might be over 100%

2.2.3. Sampling Strategy

Between November 2020 and January 2021, 16 case study interviews, 6 FGDs, 26 E-Kills, and 227 phone surveys were undertaken across Lebanon. While the case studies and quantitative survey focused exclusively on women, FGDs and E-Kills also included men. A cross-section of female-headed households and non-female headed households was included, as well as ensuring representation from rural, urban, host community, and informal settlement locations in respondent groups. The following demonstrates the total information gathered:

TABLE 5: DATA COLLECTION ACTIVITIES

Qualitative	Conducted	Number of Female Respondents	Number of Male Respondents
Focus Group Discussions	6	15	7
Case Study Interviews	23*	16	0
Expert Key Informant Interviews	26	17	10
Quantitative Survey	227	227	0

* 7 of the original 16 case studies were interviewed a second time during the study.

Photo credit: Dar Al Mussawir



3. LIMITATIONS & MITIGATION MEASURES

TABLE 6: LIST OF LIMITATIONS & MITIGATION MEASURES

No	Limitation and Risk	Mitigation Measures
1	The COVID-19 pandemic created limitations in primary data collection, particularly in regard to the gathering of persons for FGDs and any in-person interviewing. Limitations for some survivors in access to telecommunications for interviews may have introduced exclusion factors for case studies.	This limitation was mitigated to some extent by reducing the size of FGDs and conducting an extensive literature review to supplement analysis. Additionally, the research team had close coordination with implementing partner agencies to ensure appropriate sampling and safeguarding. This included personal contact (phone, VoIP, email, etc.) with agency focal points who have expertise in sampling and logistics (e.g., M&E staff) and weekly coordination calls with the agencies' assigned focal points. Case workers within each agency ensured survivors had access to safe methods to communicate with the research team.
2	Case study sampling predominately reflects the experience of cisgender and able-bodied refugee women, and only one transgender woman. It does not highlight the perspectives of men, boys, gender non-conforming persons, children, or survivors with disabilities. The perspective of Palestinian Syrian Refugees (PRS) communities is not included. In addition, while the issues facing LBQTIQ+ communities are marginally represented, most qualitative data is from a cisgender female point of view.	Secondary literature enabled a broader understanding of experiences with justice among survivors within different demographics of the Syrian refugee population, as triangulated by discussions with expert key informants who work with marginalized groups not able to be included in the current study.
3	Logistical challenges and delays limited the research team's ability to interview all survivors multiple times throughout the study or to engage them in validation of the current analysis to support a feminist methodology.	UN Women will ensure that participating survivors and research participants have the opportunity to review and receive the study's findings, as well as increase their knowledge of their legal rights and opportunities for justice on issues of SGBV.

4. KEY FINDINGS

The following section is organised by the overarching research question and relevant sub-question(s). All survey data has been checked for admissible disaggregation, and disaggregated findings are only mentioned when significant to questions being posed.

4.1. WHAT PATHWAYS CAN SYRIAN REFUGEE SURVIVORS FOLLOW TO ACCESS JUSTICE FOR SGBV IN LEBANON?

Justice has different meanings to different women. While access to justice for SGBV cases often correlates with legal recourse and prosecution of the perpetrator, for most survivors' justice includes a general sense of safety and well-being that requires additional services to enable holistic recovery. Broadly speaking, access to justice for SGBV survivors entails state action to ensure domestic law reflects accountability for acts of violence against women in terms of criminal definitions, as well as adequate procedures for investigation and prosecution, coupled with the availability of restorative services for the survivor. For many women, justice is more nuanced and can focus on immediate safety via protective orders, mental health and recovery, or separation from an abusive intimate partner. Such forms of justice are necessary before a survivor may feel ready to deal with the legal system.

The survivors interviewed during the study reiterated that, for them, justice is simply an end to the violence they've experienced and, in most cases, facilitating a safe exit from the family member causing the abuse. Most survivors who were interviewed did not express a specific desire to see the perpetrator put in jail or otherwise prosecuted; often they wanted to be free from what binds them to the abuser, typically economic

dependency, or civil status. Justice for Syrian refugee survivors in many cases embodies healing, freedom, and independence, rather than court battles. All survivors included in the report demonstrated an ingenious capacity to navigate the myriad options available to seek justice for their case and did value some form of legal support.

4.1.1. Informal Justice Mechanisms

Overview: In accordance with the definition of informal justice described in section 1 (page 17), informal systems are those that operate outside of the state-regulated protections and are usually community-based. A number of different actors, including community members, families, and sometimes even NGOs that support these efforts,¹⁷ and take various roles in administering dispute resolution in Lebanon. Typically, these actors will work together to resolve a problem brought to them, often related to land, money, children, public services – and in this case, issues of SGBV, ranging from early marriage and domestic violence to sexual assault.

Informal justice mechanisms are typically community-based and involve reliance on social structures to resolve an issue; they cannot guarantee alignment with human rights or national constitutional rights. They are often resorted to when an individual cannot meaningfully access the formal justice system, which is the case for many Syrian refugees in Lebanon, particularly for issues of SGBV. Individuals or families choosing to utilize informal justice mechanism typically follow one of two pathways: 1) directly solve the issue internally between the affected families or, 2) utilise an arbitrator such as a religious

17 International Alert (2018). *Informal Justice on the Intersection of Mediation, Arbitration and Referral: Protection Mechanisms Used by Syrian Refugees and Vulnerable Lebanese*. Available at: https://www.international-alert.org/sites/default/files/Lebanon_JustInBetweenInformalJustice_EN_2018.pdf



TABLE 7: ACTORS ENGAGING IN INFORMAL JUSTICE MECHANISMS

In Lebanon, some entities, including select NGOs, straddle the line between formal and informal justice – serving primarily as an interlocutor between the various justice options that survivors can access.

Type of Justice Mechanism	Type of Justice Actor	Corresponding Individuals	Types of Services
Formal (can act in an informal capacity)	Internal Security Forces	Police and Security Personnel	Receive formal complaints and act on behalf of the state; can act outside of their formal capacity
Formal (can act in an informal capacity)	Religious Courts	Sheikh	Formal or informal mediation
Formal (can act in an informal capacity)	Civil Courts	Judge	Formal lawsuit or informal mediation
Support pathway to formal justice mechanisms	Non-Government Organisations	Case Worker, Lawyers, Protection Staff	Provide, refer, or direct to multi-sectoral services including legal aid, health, social and mental health and psychosocial support
Informal	Refugee Camp Committees	Shawish, Sheikhs, Head of Tribes	Mediation
Informal	Religious Leaders	Sheikhs	Mediation

* In some instances, formal justice actors may choose to support an SGBV case through informal means, such as providing individual support outside of their formal role, particularly if the survivor is in danger or if they are familiar with the individual or family. Some entities, particularly non-government organizations, straddle the line between formal and informal justice serving primarily as an interlocutor that may introduce the various justice options survivors can access (see more on NGOs below).

sheikh or a committee comprising local leaders and trusted figures. In the case of the latter, there are three main figures that generally serve as a mediator (though not SGBV-specific): 1) a community member with strong social capital; 2) an individual trusted by the community, or 3) an individual empowered or appointed by a local NGO.¹⁸ These individuals (almost always men) generally have a high position in the community, high socio-economic status, and

oftentimes have strong relations with the authorities. The outcomes of settlements or agreements mediated through informal justice mechanisms for matters of SGBV are not legally recognized in Lebanon. Any type of community-led justice practice to solve SGBV issues cannot be recognized by Lebanese law, contrary to other areas of legal disputes using practice such as alternative dispute resolution.

¹⁸ House of Peace (2017). Traditional Conflict Resolution Mechanisms: The Role of Different Community Figures. Available at: http://peace-labs.org/wp-content/uploads/2017/11/HOPe_TCRM_paper_issue_2.pdf.



A NOTE

ON ALTERNATIVE DISPUTE RESOLUTION (ADR)

ADR is one type of informal justice mechanism that is legally recognized under Lebanese law. ADR is a range of procedures that serve as alternative to litigation through the courts for the resolution of disputes, generally involving the intercession and assistance of a neutral, impartial, third party.¹⁹ It is important to note that alternative dispute resolution (ADR) cannot be used to resolve any family law issues related to SGBV, for example, domestic violence, divorce, nor criminal cases related to SGBV, such as cases of sexual assault or rape outside of the domestic sphere. Under the Civil Procedure Law²⁰ (articles 762-767) and the Civil Code²¹ (under articles 165, 166, and 220), ADR can only be used to adjudicate and litigate real estate, land rights issues, and other forms of business and commercial matters. Contrary to other types of community-led or informal justice mechanisms, the settlements agreed upon through parties using ADR can have legal value.

19 Alternative dispute resolution (ARD) definition available at: <https://www.hg.org/legal-articles/alternative-dispute-resolution-in-lebanon-7587>.

20 Lebanese Civil Procedure Law available at: [https://ar.jurispedia.org/index.php?title=%D9%82%D8%A7%D9%86%D9%88%D9%86_%D8%A3%D8%B5%D9%88%D9%84_%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%83%D9%85%D8%A7%D8%AA_%D8%A7%D9%84%D9%85%D8%AF%D9%86%D9%8A%D8%A9_%D8%A7%D9%84%D8%AC%D8%AF%D9%8A%D8%AF_\(lb\)](https://ar.jurispedia.org/index.php?title=%D9%82%D8%A7%D9%86%D9%88%D9%86_%D8%A3%D8%B5%D9%88%D9%84_%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%83%D9%85%D8%A7%D8%AA_%D8%A7%D9%84%D9%85%D8%AF%D9%86%D9%8A%D8%A9_%D8%A7%D9%84%D8%AC%D8%AF%D9%8A%D8%AF_(lb)).

21 Lebanese Civil Code available at: <http://www.databank.com.lb/docs/Obligations%20and%20Contracts%20Law.pdf>.

The other practice informal justice practice observed in this study was formal justice actors: lawyers, judges, police officers etc, intervening on a SGBV cases outside of their official capacity. This practice is not widely documented in secondary literature but was described by many key informants and interviewees. For example, in one of the study’s cases, a police officer provided their personal number to a survivor in the event she felt her safety was at risk. In another case, a judge intervened with a family in an early marriage case, advocating for the Syrian girl to be accepted back to the familial home due to abuse by her new husband. While these interventions may be done by state affiliated officials to find better and more efficient solutions for SGBV case within a slow and patriarchal legal framework, officials may also utilize informal mechanisms to take advantage of their power. For example, one Syrian refugee woman described how a police officer blackmailed her to protect her abusive husband, who was the police officer’s friend.

Overall, it is important to note that ‘formal and informal justice’ (in Arabic) is not terminology utilised regularly in Syrian refugee communities, and the understanding of community members about who constitutes a community (informal) or state (formal) actor, as well as what happens in practice, can be fluid as well as confusing.

INTERNATIONAL STANDARDS AND NORMS DISCOURAGE THE USE OF ADR PROCESSES TO RESOLVE CASES OF VIOLENCE AGAINST WOMEN:

- CEDAW General Recommendation 33 prohibits any ADR processes in relation to all forms of violence against women.²²
- CEDAW General Recommendation 35 further elaborates that the “use of those procedures should be strictly regulated and allowed only when a previous evaluation by a specialized team ensures the free and informed consent of victims/survivors and that there are no indicators of further risks to the victims/survivors or their family members. Procedures should empower the victims/survivors and be provided by professionals specially trained to understand and adequately intervene in cases of gender-based violence against women, ensuring adequate protection of the rights of women and children and that interventions are conducted with no stereotyping or revictimization of women. Alternative dispute resolution procedures should not constitute an obstacle to women’s access to formal justice.”²³
- The CSW recommends that Member States “take the necessary legislative and/or other measures to prohibit compulsory and forced alternative dispute resolution processes, including forced mediation and conciliation, in relation to all forms of violence against women and girls”.²⁴
- The Istanbul Convention prohibits “mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence”.²⁵

22 CEDAW GR 33, para. 58(c).

23 CEDAW GR 35, para. 32(b).

24 CSW 57, Agreed Conclusions of the 2013 CSW on the elimination and prevention of all forms of violence against women and girls, sect. A(g), (4- 15 March 2013).

25 Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence, Art. 48(1).

KEY TAKEAWAYS ON INFORMAL JUSTICE MECHANISMS

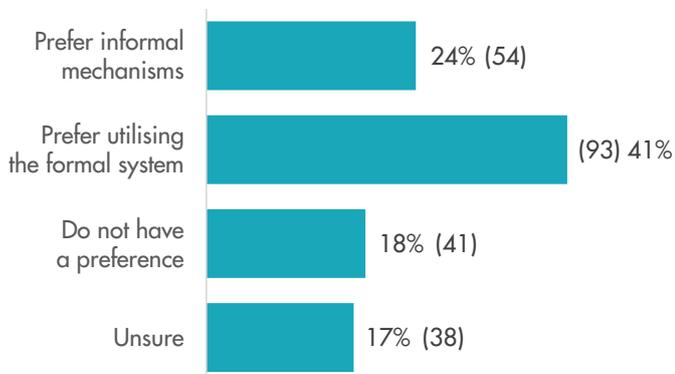


- Syrian refugee women tend to first use informal justice channels in cases of familial violence due to societal and familial pressures, however they are more inclined to seek formal options for legal redress if the perpetrator is not within the family.
- Within camp settings, the Shawish is the main interlocutor to address all manner of disputes, including cases of SGBV, with the additional influence of family and community members.
- Shawish are supported by religious figures or those with social status who play a mediation role with SGBV cases via their participation in committees formed by the Shawish that includes Sheikhs and local village representatives, which are almost always male-led.
- Religious Sheikhs straddle the formal and informal justice systems for SGBV cases and perform mediation with only the presence of a (typically male) family member rather than a lawyer.
- Sheikhs are often untrained on and/or unaware of legal and human rights and refugee entitlements, including those related to SGBV, and sometimes issue unofficial documents that are not recognized by the state (birth and marriage certificates).

When discussing preferences for informal justice over the formal legal system, most refugee respondents, including female survivors, differentiate between violence in the family and SGBV perpetrated by someone external to the home. It was commonly reported by both men and women that, if SGBV happens within the household or is perpetrated by someone well-known to the survivor, they are expected to try and resolve the matter informally (i.e., through a religious or community leader, like a shawish) before bringing the case to court. This is reflective of social pressures (reinforced by both men and women), fears associated with a lack of documentation, financial constraints to engaging in the legal system, and the fact that informal justice processes take less time to reach an outcome (although, that outcome is not always in favour of women and/or the survivor’s needs). In some instances, this is meant to protect male perpetrators and preserve the family unit, with male family members often retaining the largest influence over the decision to seek informal justice; this is evidence of deeply embedded patriarchal cultural norms. However, Syrian refugee women who were surveyed showed a clear preference for seeking the state judicial system to redress a case of SGBV. Specifically, the survey found that Syrian women believe that almost half of refugees who have experienced a form of harm prefer utilizing the formal justice system (41%), and approximately one quarter prefer informal practices (24%); the remaining 18% of women reported that there was no preference, and 17% were unsure.

Of the women who prefer informal mechanisms, their reasons included trusting the informal authority figures or leaders (57%), inability to afford legal counsel (47%), and fearing legal repercussions of Lebanese authorities (34%).

FIGURE 3: DO OTHER REFUGEES YOU KNOW HAVE A PREFERENCE FOR SEEKING FORMAL VS. INFORMAL JUSTICE SERVICES IF THEY’VE EXPERIENCED A FORM OF HARM? (N=227)



“If it’s not from her family, better for her to go to the police; she will not be at risk. But if it’s within the family...it will cause tensions...the man does not accept for his wife to report him and her life will be at risk.”

–FGD with Women Aged 37-60, Non-FHH, Informal Tented Settlement

In the absence of a unified civil personal status law in Lebanon, the Lebanese constitution grants religious sects the right to legislate and adjudicate personal status issues according to their doctrines.²⁶

This means that for cases handled in family (religious) courts, there are few protections to ensure equality for refugee women who seek non-criminal measures against a perpetrator. Religious sects are guided by traditional patriarchal culture and therefore can be not only discriminatory but abusive in their administration of access to justice. For example, the current personal status laws governed by religious authorities do not adhere to international standards for the legal age of marriage and other gender equality issues.

26 Lebanese Constitution, Art.9.

An important component of justice for SGBV is the provision of protective orders, should a survivor face safety risks from an abuser. Outside of criminal court, a survivor may file for an order of protection to an urgent matter court (civil) judge, which can be done without the presence of a lawyer and in secrecy for domestic violence cases.²⁷ Prosecution of SGBV cases occurs in criminal court (within the formal justice system) and, most often, but not always, involves a non-familial assailant (see section 4.1.2, below).

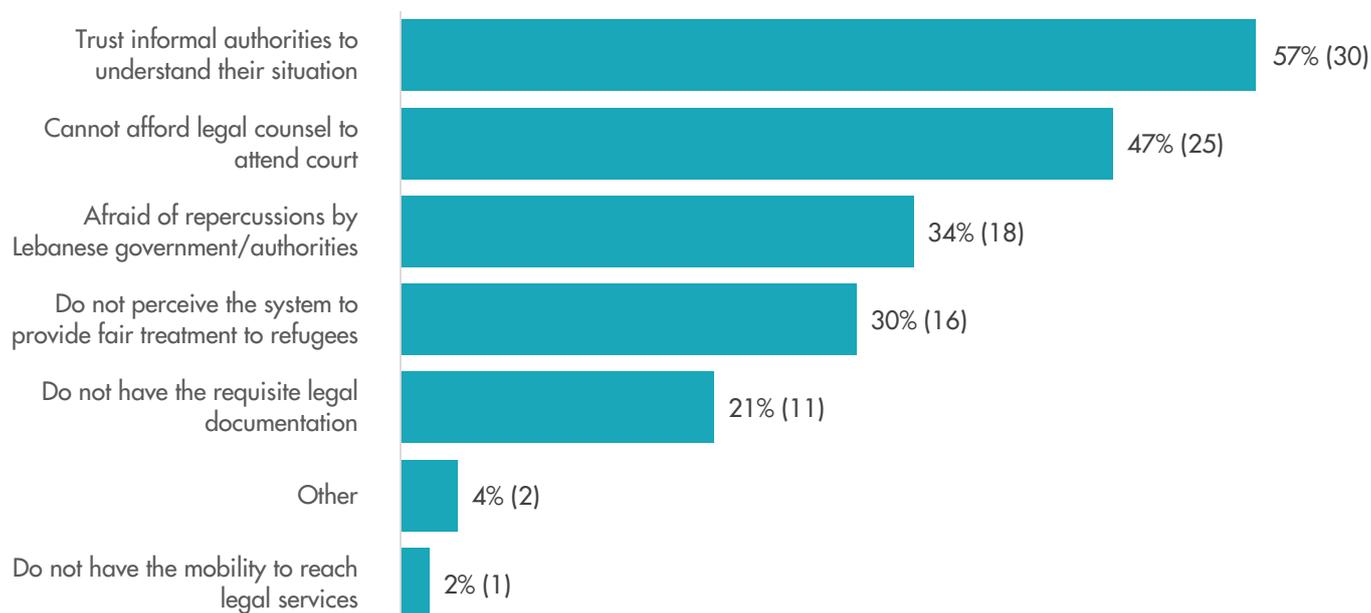
Informal justice practices vary by location. For example, survivors based in camps are more likely to access a Shawish-led committee than access mechanisms outside of the camp. Regardless of location, survivors are expected to take one of two main routes – seeking internal family intervention to resolve the dispute, or resort to the aforementioned committees, which are comprised of Shawish, sheikhs, and local leaders. Both of pathways exemplify the social practice of involving mediators. However, these committees may have motivations that do not align with human rights values, such as desire for financial gain, status/prestige, or receipt of humanitarian aid.

While often familiar to the community and considered of elevated status, Shawish, religious figures, and other informal justice mediators are less accountable than the formal Lebanese justice system. These community-level interlocutors are not trained on refugee and human rights, nor on issues of gender equality or sexual and gender-based violence. Mediators are also typically men; there is a severe lack of female representation among their ranks. These individuals are often imposed on the community as leaders and therefore may exert undue power or influence, includ-

27 Law 293/2014, Art. 13, 16, and 19.



FIGURE 4: IF YOU PREFER INFORMAL JUSTICE MECHANISMS, WHAT ARE THE REASONS? (N=53)



ing interference with families in cases of domestic or intimate partner violence. Some survivors reported that these mediators can be abusive and, in fact, shame survivors. Certain Sheikhs, largely those dealing with refugees or in isolated locations, are not recognised by Dar al Fatwa in Lebanon, which is a Sunni-led entity that issues legal rulings. This leads to unregistered marriages, births, and divorces. Despite these risks, tradition and cultural affiliation in some Syrian refugee communities continue to drive choices around the use of informal justice to address SGBV.

Some survivors noted that they will try informal mediation first and, if they are not satisfied with the outcome, they will then choose to go to a non-governmental service provider. There, they either receive legal counsel or participate in the NGO’s case management process, which allows them to take their cases to court with accompaniment. In many instances, informal mediation cannot truly provide justice or the

outcome desired by the survivor (i.e., compensation or formal apology). Nor does it lead to the processes required to truly enable justice. Informal mediation may also reinforce structural injustices against women by not treating them as equal parties in dispute resolution.²⁸ Studies have further shown that, because informal justice systems are community-based and largely influenced by relationships, the breakdown of the social networks of displaced Syrians means that they are less able to access and navigate informal justice systems than their Lebanese counterparts.²⁹ This also means women, pressured by male relatives, may feel “trapped” into relying on decisions made by religious leaders with whom they are less familiar. Despite many survivors and refugee women recounting negative experiences with informal justice sys-

28 International Alert (2018). *Informal Justice on the Intersection of Mediation, Arbitration and Referral: Protection Mechanisms Used by Syrian Refugees and Vulnerable Lebanese.*

29 Ibid.

tems, a few women reported positive experiences (see Case Study No.1).

Survivors’ lack of contentment with informal justice services is likely related to gendered barriers associated with the male-dominated system, yet **pressure from community members to resolve disputes outside of the legal system, negative experiences among the refugee community with local authorities, and fears related to legal stay lead them to try informal mediation first.** Additionally, fears of the police and the army in Lebanon are compounded by the negative personal experiences of many refugees with the formal justice system – some of them saw their husbands arrested from the camps for lack of legal stay. These interactions contribute to survivors and their families preferring to first engage in informal justice.

“The [couple] could speak to their relatives...I don’t think it’s good for a woman to go to a lawyer and the courts; this is seen in the Lebanese community and not ours. The informal mechanisms are preferred to formal ones. Usually, the father of the man gets involved.”

– FGD, Male Heads of Household

Respondents from three FGDs cited examples where the presence of a lawyer made all the difference in advancing the resolution of a case. While the same respondents also noted a general lack of faith in the Lebanese justice system, involving a lawyer (normally through an NGO) in this instance led to unearthing and addressing corruption in a police investigation and successfully resolving a custody dispute involving a young girl being abused by her father. Examples such as these reinforce the importance of refugees having access to legal professionals.



Case Study No. 1: A Sheikh’s Advice for Amira

Amira (name changed) lives in a camp and was married at a young age to a relative who would physically abuse her and their children. She recounted that, “He would tell me that because he’s a man he can hit me and I have to handle it.” Despite her husband’s apprehensions of registering with the UN for aid, they did so. However, he proceeded to confiscate the aid and told Amira that she needed to work to support the family. He would beat her if she did not go to work. Amira knew, from working as a teacher in the camp, to ask around for support. She was directed to the religious courts, where she was told to first try and reconcile with her husband.

The Sheikh reached first reached out to Amira’s husband, but he lied about the abuse. When Amira told the Sheikh the details of the abuse, he then advised her to leave her husband in secret and to take the children, if they are willing to go with her, as is permitted by Sharia law. The Sheikh also referred her to an NGO for additional support. There Amira has been seeking legal assistance to solidify a divorce and maintain full custody of her children. So far, her legal efforts have not borne fruit, yet she still speaks warmly of the NGO support that she receives: “They told me to stay strong and not back down from my rights.” Court proceedings continue to take place regularly and the NGO support helps her to navigate this process: “I am going around at the courts... I go and ask them what to do and they tell me.” She has experienced a court transfer of her case, has been discouraged by the length of the process, and is still awaiting a final decision. Her hope is that people will stop siding with her abuser.



4.1.2. Formal Justice Mechanisms

Overview: Formal justice for SGBV in Lebanon is governed by the Lebanese penal code. Criminal cases are prosecuted in court or formal councils, typically through litigation and with the presence of an accredited lawyer in accordance with state-mandated procedures. The protection the penal code offers against SGBV has numerous gaps, such as the absence of the criminalization of marital rape and no definition of sexual violence. However, due to the persistent efforts of women's rights activists throughout the country, the legal framework is slowly being reformed. Mostly recently, law no. 205, which was issued on January 7th, 2021 by the Lebanese Parliament, criminalizes sexual

harassment and affords some protections to survivors and witnesses who come forward.³⁰ Despite some positive legislative reforms, the current legal system in Lebanon is still reflective of a highly patriarchal culture that punishes the survivor in many instances, such those of transactional sex and marital rape. The system also has certain loopholes for perpetrators, such as article 252, which permits the defence of "rage of anger."³¹

30 Timour Azhair (2021). "Lebanon's Parliament approves landmark sexual harassment law". Available at: <https://www.aljazeera.com/news/2020/12/21/lebanons-parliament-approves-landmark-sexual-harassment-law>

31 Nadine Mazloum (2017). "522's Abolishment is a win, but the devil is in the details". Available at: <https://newsroomnomad.com/522s-abolishment-win-devil-details/#:~:text=In%20simple%20terms%2C%20Article%20505,intends%20to%20marry%20their%20victim>

Several women interviewed in the study reported not having a clear understanding of or information about their rights and available legal services. Less than one in five (17%) Syrian refugee women surveyed reported knowing formal/legal ways to resolve incidents of SGBV, while 43% reported an awareness of informal ways; 32% conveyed awareness of both, compared to 14% who were not aware of any options (Figure 4). Many did not understand that there is **no difference in legal rights between Syrians with legal residency and Lebanese citizens when it comes to addressing SGBV.** Because coordination and information sharing among various interlocutors within the formal justice system is inconsistent and at times problematic, survivors are often misinformed or are confused about the steps in the process to seek justice. Prosecuting SGBV cases in the court system can be a lengthy procedure with many steps and a confusing web of actors; some reported that even lawyers were unfamiliar with how to proceed with a case of SGBV or to which court to address the case.

A common pathway used to seek legal redress is to first consult an NGO, which may then link an individual to a lawyer, who directs one to the police, after which – if the individual can proceed with the case – the survivor may choose to go to court. As a result of the convoluted process and the fact that survivors see few prominent success stories, many avoid the legal system entirely. Moreover, those who initiate a case may then drop the complaint partway through the process. The Lebanese legal process is fraught with many weaknesses that can deter refugees from reporting SGBV and can take a long time to address a case. Many survivors indicated they had received awareness sessions or had interacted with NGOs as a way of understanding their rights and choosing to seek support for SGBV. However, no respondents from the FGDs nor any survivors interviewed in this study (31 women)

knew anyone who had successfully prosecuted their perpetrator or whose case had reached a verdict.

The Lebanese legal system is under-resourced, with not enough lawyers experienced in SGBV cases to represent clients, much less Syrian refugees. Specifically, there are not enough legal professionals to represent socioeconomically marginalised clients, particularly refugees, pro bono or for lower fees. Lawyers who do represent refugees in such cases are typically funded through limited free legal services by NGOs and civil society actors. Lawyers are typically not trained on human rights, refugee rights, or how to deal with survivors and address sensitive cases of SGBV – and while women are fairly well-represented in the Lebanese judiciary,³³ fewer lawyers and legal representatives are women. This has undermined the refugee community’s trust in the legal system and reduced the likelihood that a survivor will choose to seek legal redress for her case. Syrian refugee women highlighted in interviews the importance and value qualified lawyers can have in achieving justice for their case.

33 UN ESCWA (2019). *Women in the Judiciary in Lebanon*. Available at: <https://www.unescwa.org/publications/women-judiciary-lebanon>

“First, my sister went to the religious courts because he [her abuser] hit her when she was pregnant and wanted to kill the child. She went to the court and he was not showing up when he was being summoned. But when we were assigned the lawyer, matters became easier.... [For my sister’s divorce case], I spoke to someone who works at [NGO name] and they got in touch with a lawyer. When she would go alone, she would stay all day and wouldn’t achieve anything. Now, when she would go with the lawyer, she wouldn’t do anything; the lawyer would take care of everything.”

–FGD, Female Heads of Households, ITS

As mentioned previously, Syrian refugee women are infrequently financially independent due to low labour force participation rates and patriarchal social norms, and financial support for legal services is limited across the humanitarian response. Some women may seek to find a lawyer without legal aid. In such cases, they may find affordable options, but the legal representation is reportedly weak. There is a disparity in the quality of legal services available to refugees. Many survivors who seek legal support on their own find themselves taken advantage of or receiving inadequate legal aid.

“Women are begging on the streets to pay for their court fees.”

– E-KII, Female Activist, Arsal

Most survivors’ point of entry to the legal system is through a police station (often upon consultation with an NGO). A major challenge in this regard is inconsistency and unpredictability in the treatment of female Syrian refugee survivors depending on the station and the officer. Some women interviewed described stories of harassment or maltreatment by police, while others found a supportive environment; some stations had focal points or specific staff to respond to SGBV, while other stations lacked a trained officer or failed to demonstrate professionalism regarding SGBV. Female police officers are rare in Lebanon and disclosing to men can be uncomfortable for female survivors. Many also reported corruption and prevalence of ‘wasta’ by officers who are well connected in the community or were related to abusers. Some key informants and FGD respondents reported that, in these instances, police may refuse to take the complaint altogether, impeding survivors’ right to justice.

“Where I work there were several cases like these where the man involved has connections with the police station. Even if she fled to another region, they would get her, fabricate a crime or even several crimes that she didn’t do, and god knows when she gets out of prison.”

– Case Study, 30-year-old Female, Baalbak

Other times, the police responded ethically and made efforts to find solutions for survivors. One survivor shared that when she dropped her case due to family pressures the police followed up and encouraged her to consider keeping the complaint. The officer provided the survivor with his personal number in case she ever felt in danger, which demonstrates a conflation between the role of the police as formal justice actors and their links to informal justice within their communities. These examples and general inconsistency in how Syrian refugee women are treated plays a definite role in a survivor’s decision to report her case or not and, subsequently, continue on the formal legal pathway. Word of mouth spreads quickly within refugee communities when someone has had either a positive or negative experience with the authorities and this influences their perceptions of the justice system.

“When I went to Damour, there was a female officer and she saw that I was stabbed with a knife. She asked me why I did not reach out to [the NGO]. I explained to her that I don’t know who [the NGO] is. She told me to google their number and reach out to them. Since I don’t have a phone, she told me that she would call [the NGO] for me, and that the report I was holding had to be submitted to the Aramoun station and not to Damour.”

– Case Study, Female Head of Household, Age 25

FGD respondents reported the importance of having a lawyer or NGO representative present when reporting SGBV to the police for the police to take the matter seriously, for the survivor to be better informed, and for a more expeditious response. However, survivors and service providers alike indicated that women do not always receive accompaniment to the police station and instead are encouraged to go on their own. While NGOs are considered trusted entities to guide survivors through the legal justice system, they do report asking survivors to go to the police independently and directly call lawyers without case workers. This is often due to limited resources by NGOs that might not be able to conduct the full case management for the survivor, only having the means to provide referrals. Dealing with these issues without external support can be very intimidating for a survivor, particularly depending on their legal status.

Key informants further highlighted challenges in information sharing between lawyers and police, who ideally should work together closely. Updates to SGBV cases, regarding how they have been handled, may not happen consistently. Many police officers lack a sufficient understanding of the law as it applies to refugees, leading them to interpret the case subjectively. One respondent mentioned that SGBV cases are taken more seriously by police if referred by an NGO, as there is more perceived legitimacy to the case. Key informants reported that police often believe that NGOs refer ‘real’ or ‘important cases.’ A referral by an NGO can also increase accountability for the case, should the police not take any action.

“It starts in the police station... there is a lack of awareness of [f] the law and the protection measures for women, [yet] he makes himself as a judge to fix the problem. He is a part of the community – the way he deals with the woman depends on how he was raised, [is influenced by] wasta in the station, and corruption. Then, in the courts, we have unspecialised judges that don’t focus on a specific type of crime and don’t get acquainted with the relevant laws, and the slow processing of cases – someone needs to keep following up.”

— E-KII, Project Lawyer, Legal Agenda

LBQT Syrian refugee women confront significant barriers to accessing the judicial system due to their gender identity and/or sexual orientation. LBQT refugee women, in addition to refugees in the wider LGBTIQ+ community, are prone to sexual and gender-based violence and regularly face harassment, abuse, and persecution from society, state actors, and even humanitarian workers.³⁴ In addition to rape, sexual assault, harassment, and domestic violence, LBQT women face specific types of gender-based violence, including corrective rape, anal exams or ‘rape tests’, conversion therapy, and forced heterosexual marriage, which are widely undocumented, underreported, and unaddressed by SGBV responders. Additionally, due to their increased economic vulnerability and lack of support systems, some LBQT women – namely trans gender women³⁵ - resort to survival sex in order to sustain themselves, which puts them at risk of violence, abuse, exploitation, and trafficking. Access to justice for LGBTIQ+ populations in Lebanon

34 Heartland Alliance International (2014). “No Place for People Like You”: An Analysis of the Needs, Vulnerabilities, and Experiences of LGBT Syrian Refugees in Lebanon. Available at: https://www.heartlandalliance.org/wp-content/uploads/sites/13/2016/02/no-place-for-people-like-you_hai_2014.pdf

35 Human Rights Watch (2019). “End Systemic Violence Against Transgender Women.” Available at: <https://www.hrw.org/news/2019/09/03/lebanon-end-systemic-violence-against-transgender-women>



The Role of NGOs in the Justice Sector

Civil society and non-governmental service providers are often considered the backbone of Lebanese society and form an essential support structure for refugees. NGOs are important intermediaries for SGBV survivors in accessing a whole host of services, including justice mechanisms in the formal (state-led) arenas. While they are not justice actors themselves, they serve as entry points and can provide critical information on available services, implications for survivors during mediation, and how to file a report with police or seek legal assistance, among other things. NGOs may also provide direct legal representation for survivors (i.e., during legal proceedings), and help ensure accountability for SGBV cases by following up with relevant actors to ensure that they receive adequate attention.

That said, while civil society actors operating in the country are accountable to the Lebanese government, the legal assistance they provide is not considered a part of the formal justice system. NGO case workers are not legally required to accompany survivors to court (with the exception of cases with minors, as per Lebanese law no. 422), nor do they hold any authority to contribute to the case. Accompaniment is an additional service that NGOs can provide when survivors choose to file a case within the justice system.

Moreover, NGOs do not themselves provide mediation or other informal justice services. However, NGOs are critical actors in supporting survivors to access justice. This encompasses not just legal redress to prosecute abusers but also holistic case management services that empower survivors to be able to reach safety through effective protection orders, physical and mental recovery through health services, and/or to live free from violence.

is extremely narrow and those who seek justice for SGBV often invite harm. The mere existence of LGBTIQ+ populations is criminalized under the pretence of Article 534 of the Lebanese Penal Code, which states that any sexual intercourse “contrary to the order of nature” is punishable by up to one

year in prison.³⁶ If LBQT women report any type of SGBV (particularly those involving sexual acts) to the authorities, they could legally be accused of criminal behaviour, not to mention face further discrimination or

³⁶ Article 534 of the Lebanese Penal Code.

violence throughout the process. One study found that 44% of LGBTIQ+ Syrian refugee respondents reported having been harassed, bothered, threatened, or discriminated against by Lebanese authorities.³⁷

Although the total number of Syrian LGBTIQ+ refugees in Lebanon is not known, Heartland Alliance previously estimated that the total number of LGBTIQ+ refugees is around 50,000 persons – as a conservative estimate.³⁸ There is a dearth of literature published on the specific experiences of LGBTIQ+ Syrian refugees in Lebanon when it comes to SGBV and access to justice, and even less with regard to the specific plight of LBQT women and gender non-conforming persons.

NGO service providers play an essential role in providing survivors with the holistic services needed to address their cases. Most SGBV service providers in Lebanon, (international) NGOs, follow a survivor-centred process using standard case management practices. First there is intake of the survivor’s case, including safety planning and helping them to decide what services they wish to seek. Depending on what is provided by the organisation, they may then refer to the case to services provided by other agencies. Case workers follow-up with the cases and support the survivor to carry out an action plan. Feedback from FGDs and survivors is mixed in satisfaction with SGBV services, but most reiterated that NGO support was influential and important, even if the desired outcomes were not always reached. This study found no evidence that NGOs link in a direct way with informal justice mechanisms, nor advocate for them. In fact, they do not even use the terminology or framing

of informal justice in this way (where judges and government officials are more likely to do so). However, they may support mediation to resolve an SGBV dispute if it is in the best interests of the survivor.

“I went to the police station and told them how I divorced my husband and that, as a result, I am being exposed to murder threats. The police told me they can’t do anything without any photo or video evidence. The police told me if they don’t catch him, they’re going to wait for him to turn himself in. With the police, the matter took place over a span of 4-5 months, but [the NGO I consulted] had explained everything to me and helped me from 11:30 am – 1:30 pm – it took just 2 hours.”

– Case Study, 25-year-old Woman, Ouzai

While access to the formal justice system has also been impacted by COVID-19; national lockdowns, and judge and wider public servant strikes, the Lebanese judicial system has adopted some promising measures to improve efficacy. In 2020, two policies were enacted due to advocacy by women’s rights groups, including the National Commission for Lebanese Women: 1) general mobilization number 68/2020, which improves prosecution procedures by allowing survivors to testify using remote listening technology (video calls) and judicial officers to take statements remotely and 2) general mobilization number 77/2020 issued by the President of the Supreme Judicial Council, which provides urgent matter courts with individual email addresses to rule on urgent cases of domestic violence. Under this policy, video calls can be used to obtain ‘the means of proof’ to continue

37 Heartland Alliance International (2014). “No Place for People Like You”: An Analysis of the Needs, Vulnerabilities, and Experiences of LGBT Syrian Refugees in Lebanon. Available at: https://www.heartlandalliance.org/wp-content/uploads/sites/13/2016/02/no-place-for-people-like-you_hai_2014.pdf

38 Ibid.



Case Study No. 2: Rania's Courage

Rania (name changed) was married at 15 years old to a 35-year-old Syrian man, who turned out to be abusive. “He would hit me in unimaginable ways; I was trapped in his house for five years and wasn’t allowed to go to the doctor unless I gave birth.” When she was 23, Rania’s husband was accused of murder, causing the family to flee the home. When her husband found out, he put Rania in an unsafe hotel known for sex work, where she continued to be abused by other men. While there, she sought a divorce. Her husband retaliated and she fled in the middle of the night after a severe beating, deciding to seek support from the police. “The police told me they can’t do anything without any photo or video evidence... I told them everything, but he used his wasta to remove his name from the station.” Rania’s abuser had taken her phone, eliminating evidence, but a friend provided her a phone that she used to search for lawyers and support organisations.

Rania went to the police again after being stabbed, though was refused an exam by the doctor because she didn’t have money and was taken by the police to the hospital. She was then released to her sister who was collaborating with her abuser. This led Rania to file another report against her husband, but the police merely referred her to another station without details. After an injurious journey, she found her way to a legal representative, who saw her wounds and agreed to help, including with the necessary paperwork and finances for filing. After Rania took the paperwork to the police, who contacted a judge to detain the husband, he found her. Rania then sought the support of an NGO. The NGO explained the process clearly and her case was expedited in the courts. When her husband filed a countersuit, the NGO connected her with a lawyer and she returned to the police station where she previously had not been supported. When they knew she was with an NGO and had legal support, they found her husband immediately. However, “when the police caught him, they didn’t arrest him; he just signed a paper saying he won’t abuse me again.” With the support of her lawyer, Rania fought the suit against her abuser, which a female judge dismissed. She now awaits divorce and custody proceedings. While Rania is relatively safe, healing from years of trauma and trying to start a new life, there has been no legal recourse for the crimes of any of her abusers.



FIGURE 5: OF SURVEY RESPONDENTS WHO KNOW PEOPLE WHO FACED CHALLENGES IN ACCESSING THE LEGAL SYSTEM, WHAT WERE THE MAIN CHALLENGES THEY FACED? (N=33)



issuing protection orders.³⁹ Additionally, during the early onset of the pandemic some judges were waiving the need for forensic procedures to proceed with cases when forensic doctors are unable or unwilling to document cases of abuse at police stations due to COVID-19.⁴⁰ However, according to interviews with

lawyers and sheikhs, such adaptations via government-issued memos have not been widely upheld in family courts and have only been applied in urgent matter courts. While the new policies utilizing online modalities are encouraging and have the potential to increase efficiency of Lebanese courts, efforts must be significantly scaled-up to improve these judicial processes on a national scale.

39 Kafa (2020). “Calls Have Doubled Due to Lengthy Confinement and Crimes against Women”. Available at: <https://www.kafa.org.lb/en/node/413>

40 UN Women (2020). *Gender Alert on COVID-19 in Lebanon* (Issue No.1). Available at: <https://www2.unwomen.org/-/media/field%20office%20arab%20states/attachments/publications/2020/04/gender%20and%20covid-19%20in%20lebanon/updated/gender%20alert%20on%20covidlebanon%20english.pdf?la=en&vs=1838>

4.1.3. Socio-Cultural Barriers and Power Dynamics Impacting Access to Justice

KEY TAKEAWAYS



- Patriarchal societal pressures, the desire (of family members and community) to maintain tradition, and inadequate female representation in legal positions are central factors in the form of justice (if any) sought by female survivors, as well as justice outcomes.
- Syrian women’s ability to access justice is impacted by their gender identity, sexual orientation, nationality, and legal status. Some groups of Syrian women have more to fear from the Lebanese judicial system than others.
- Mediation in the informal justice sphere is almost always facilitated by men; often demonstrates sexism; and, in some cases, further bullies, harms, or shames survivors.
- Both qualitative and quantitative data reflects the trend that male family members typically make decisions around what kind of justice to seek as well as what procedures to follow.

“If the woman is going to be given the freedom and all her rights and then her opinions become above the opinions of a man, of course we don’t give them [their] rights.”

– FGD, Men 30-50-years-old, Non-FHH

Cultural influence from a largely patriarchal society prevents women from accessing justice and influences the outcome of judicial proceedings for cases of SGBV. Throughout every step of the process, survivors find themselves at the behest of a highly gender discriminatory legal and social systems that do not sufficiently protect them. Women are not adequately represented in state or community-led justice mechanisms, and male relatives still play a powerful role not only in the perpetration of SGBV but in deciding how such incidents get addressed. While the Lebanese judiciary has a significant number of women, they are not equally present in the highest levels of courts and are less presented in the highest levels of courts and are less represented in criminal courts.^{41,42}

Police officers, religious figures, public prosecutors, and the judges that handle high-profile and sensitive criminal matters are almost exclusively men. Additionally, male family members and community members often insert themselves into justice processes and may pressure survivors not to proceed with cases. In much of the Syrian refugee community, there is still widespread tolerance of intimate partner and domestic violence. Women are often expected to “deal with” abuse and/or reconcile with the perpetrator.⁴³ Some interviewed judges recounted the force of backlash from families and community members when a case is perceived as state interference in private, households matters. In certain cases, this social pressure changes how a case is investigated, the level of accountability perpetrators face, and the

41 Legal Agenda (2015). “Who is Afraid of a Female Majority in the Lebanese Judiciary?” Available at: <https://english.legal-agenda.com/who-is-afraid-of-a-female-majority-in-the-lebanese-judiciary/>

42 UN ESCWA (2019). *Women in the Judiciary in Lebanon*. Available at: <https://www.unescwa.org/publications/women-judiciary-lebanon#:~:text=The%20presence%20of%20women%20in,in%20the%20judiciary%20remain%20unaddressed>

43 UN Women and Promundo (2017). *The International Men and Gender Equality Survey*. Available at: <https://www.unwomen.org/en/digital-library/publications/2017/5/understanding-masculinities-results-from-the-images-in-the-middle-east-and-north-africa>.

justice outcome entirely. The survey found that of the 15% of women who know people who faced challenges in accessing the legal system, 58% reported backlash from family and community as an issue (Figure 2). In addition, 52% of surveyed Syrian refugee women say that social stigma and shame prevent them from seeking justice (Figure 3).

“Last time he hit me I was 8 months pregnant and he kicked me out of the house and took my 2-year-old from me. The community got involved and told me either you live without your son or you go and handle living with him, and I accepted.”

– Case Study, 22-year-old Woman, FHH, Beirut

Even in female-headed households, typically there are male family members (sons, grandfathers, brothers, cousins) who demonstrate influence on how survivors choose to respond to SGBV. Cultural factors such as “wasta” are additional barriers for women, as women do not typically reap the benefits of the nepotistic patriarchal system of power in Lebanon. The embedded nature of such a male-dominated culture means that even when the justice system is improved and properly resourced, the root causes of SGBV and how women are treated in society remain. This is a critical factor in the decision to seek justice for abuse through the judicial system.

“Most judges in religious court don’t have the same selection process as civil judges do. Most are men. Survivors perceive this discrimination, knowing decisions will not come in their favour.”

– E-KII, UN Legal Focal Point, Mt. Lebanon

LBQT Syrian women face further gender and sexual discrimination by Lebanese society and the justice system. Homophobia and transphobia are strong in Lebanon, where an estimated 37% of women and 68% of men agree with the law to arrest and imprison people who engage in homosexual acts.⁴⁴ This discrimination permeates LBQT Syrian women’s relationships inside their households and communities, as well as the Lebanese police and justice systems. There are reports of abuse and harassment by police officers, of transgender women being held together with men, and of invasive physical exams – technically considered anal rape and a form of SGBV itself – being conducted.⁴⁵ Key informants pointed out that most SGBV service providers in Lebanon are not equipped to support the needs of LBQT women experiencing violence; this is often driven by a lack of know-how, but can also be driven by frontline service providers discriminating against LGBTIQ+ individuals.

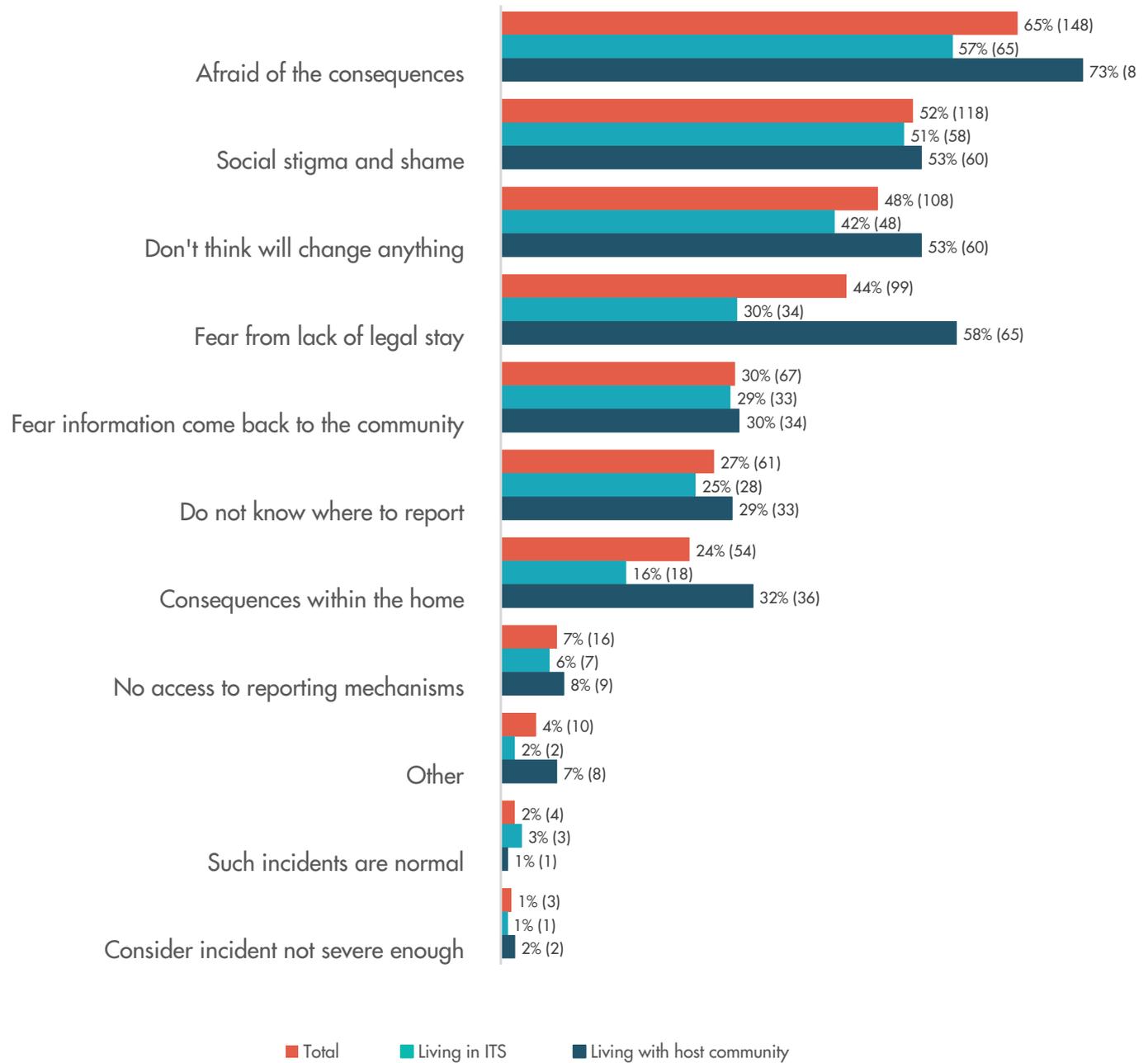
“[Informal mediators] keep blaming the woman and give the man the rights even though it’s his fault. They tell her you need to be patient with him, you need to handle it. If he is mad, who will he hit – his mom?”

– E-KII, Female Activist, Arsal

44 Ibid.

45 UNHCR (2017). “We Keep it in Our Heart: Sexual Violence Against Men and Boys in Syria”. Available at: <https://reliefweb.int/report/syrian-arab-republic/we-keep-it-our-hearts-sexual-violence-against-men-and-boys-syria-crisis>

FIGURE 6: BARRIERS TO SEEKING JUSTICE. (N=227)



4.1.4. National Regulatory Systems’ Impact on Access to Justice

KEY TAKEAWAYS



- Lack of/or expiration of personal status and civil documents is a major source of fear and reticence to seek justice for SGBV.
- When seeking justice for SGBV cases, legal stay is not needed for issues of family law, but is required for criminal court cases.
- Challenges to obtaining civil documents are both financial and related to difficulties finding a Lebanese employment sponsor, for women both can be linked to their abuse.
- Inadequate coordination across all actors and a lack appropriate sharing of information impedes the implementation of legal procedures.

Many Syrian refugees face challenges obtaining or renewing the documents to enable their legal stay in Lebanon, with only an estimated 18% of Syrian

refugee women having legal residency in the country.⁴⁶ There are many common misconceptions about the consequences for lack of such documents among both men and women, as well as amongst some of the actors that engage in the justice system. Countless respondents noted their fear and doubt about their lack of paperwork and how it intersects with their ability to file a case for an incident of SGBV. Refugees often recounted having seen or heard of people being arrested for general reasons, with many incorrectly believing that they would be immediately deported back to Syria.

Such harsh measures have since been reduced, particularly during the pandemic, with leniency for female SGBV survivors. The ISF has sought to assure the refugee community that if a person has **expired** documentation, a grace period will be extended, and it will not lead to immediate arrest or penalty. The ISF does encourage Syrians with documentation to report SGBV even if it has not recently been renewed, as stopping the abuse is more important than having a file opened on them. However, a **total lack of** documentation has no grace period and Syrian refugees can be seriously

46 UNHCR, UNICEF, UN WOMEN, WFP (2020). *Vulnerability Assessment of Syrian Refugees in Lebanon*. Available at: <https://reliefweb.int/report/lebanon/vasyr-2020-vulnerability-assessment-syrian-refugees-lebanon>

Of the 72% of survey respondents who have residency concerns or fear arrest or forced return to Syria, 64% say this would keep them from reporting a violation or abuse.

prosecuted. As the ISF regulates both crimes for illegal stay and many crimes for SGBV, Syrian refugees without any documents do not feel safe and are not legally protected when reporting violent crimes to the authorities. While consequences are now somewhat lighter even for complete lack of legal stay paperwork, barriers remain in terms of the time, financial resources, and logistical considerations (i.e., mobility constraints for women) required to access the formal justice system.

For family court cases, legal stay is not required to open a case. This is according to interviews with both sheikhs and lawyers. In place of legal residency, other documents related to birth, marriage, and divorce are needed. However, for criminal court cases, legal stay is required for SGBV survivors to legally prosecute their perpetrator. According to one lawyer, some more lenient criminal court judges are giving the survivor a 15-day period for the SGBV survivor to legal her stay (and provide proof of the process) in order to prevent the dismissal of the case and avoid total impunity for the perpetrator.

In many cases, personal documents may be controlled by the male head of household and withheld from the survivor should she bring him to court. In addition, personal status law in Lebanon inherently reinforces discriminatory practices when it comes to issues related to the family institution and guardianship by women over things such as alimony, marriage, custody, and inheritance.⁴⁷

“My husband and I went in a van. I asked a [Lebanese] man if he could sit in the front so I can put my child’s stroller in the back. My husband doesn’t defend me... he had to be quiet. The van [driver] told the man ‘shoot the Syrian and I will be standing behind you.’ I told my husband, ‘why didn’t you say something?’ He said, ‘I came into Lebanon illegally how can I speak?’”

– FGD, Women in Non-FHHs, ITS

In the event that needed paperwork (such as a personal ID) is in their place of origin in Syria, many Syrians have legitimate concerns for their safety if they attempt to go back to retrieve them. For those who arrived in Lebanon more recently, they face further challenges with the 2015 residency law that makes it difficult for refugees to obtain legal status. In accordance with the previously described religious court structures, when bringing a personal status case to court, different documents are required to open a file based on the specific religious authority, such as ID cards, marriage licences, and family documents – and some courts require marriage contracts to be signed in Syria, further complicating the process for refugee women survivors.

The costs for residency are often prohibitive and finding a Lebanese employer as a guarantor is challenging, particularly for women. Prior to Lebanon’s economic emergency, costs associated with residency were between 200-300 USD for a Syrian household, which was already unaffordable and is even more so with currency devaluation over the past year. While previously sponsors did not necessarily need to be work-related, this is largely the case now. Women typically work in the informal sector, with limited protec-

47 Lebanese Constitution. Available at: <https://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanese%20Constitution.pdf>



Case Study No. 3: Support for Nadeen

Nadeen (name changed) has experienced violence in her home since childhood. She was married early (“sold” by her terms) to a Lebanese man who was 40-60 years old than her, using a falsified marriage document. After experiencing abuse, Nadeen ran away and sought the support of an NGO, opting not to contact the police due to fear of her father’s reaction. The organisation opened a case file and connected her with their lawyer. When further abuse occurred, she called the ISF. The ISF refused to support her, allegedly due to her lack of documents. She said, “because the man has wasta, they wanted to deport me.” The NGO’s lawyer supported her to correct her papers, annul the marriage that was illegally issued by the Sheikh, and file a lawsuit. The lawyer spent over two years on her case, while the authorities continued to provide inconsistent information about the issuance of Nadeen’s documentation and her potential deportation. In the meantime, she lived in fear, changed housing and employment, and continued to seek psychological support. “In the end [the lawyer] and I got tired of this.” Nadeen still awaits a final resolution to her case from courts but feels that the support of NGOs is what has kept her going. “If [the NGO] didn’t stand by me, I wouldn’t have any support... I wouldn’t have known what to do with that marriage contract.” Many years after her first step to seek help, Nadeen’s story with justice is only still just starting. No case has been opened in the criminal courts to prosecute him for his crimes; the case has remained in family court as she waits for the judicial system to end her abuser’s legal right to her. Despite all this, Nadeen now lives free from physical abuse, and is on her path to mental and physical recovery.

tions under Lebanese labour law.⁴⁸ With women being particularly economically vulnerable and often financially dependent on a male relative or husband (who may also be the abuser), this makes it even harder for them to obtain legal stay. Not only may they lack financial decision-making power, but it is also common for men to place restrictions on their ability to work, or their ability to travel to a place of employment.⁴⁹

“After filing the complaint... my husband didn’t threaten me because he doesn’t have legal papers which scared him more than having a complaint filed against him, so he stopped hitting me.”

– Case Study, 38-year-old Woman, FHH, Shtoura

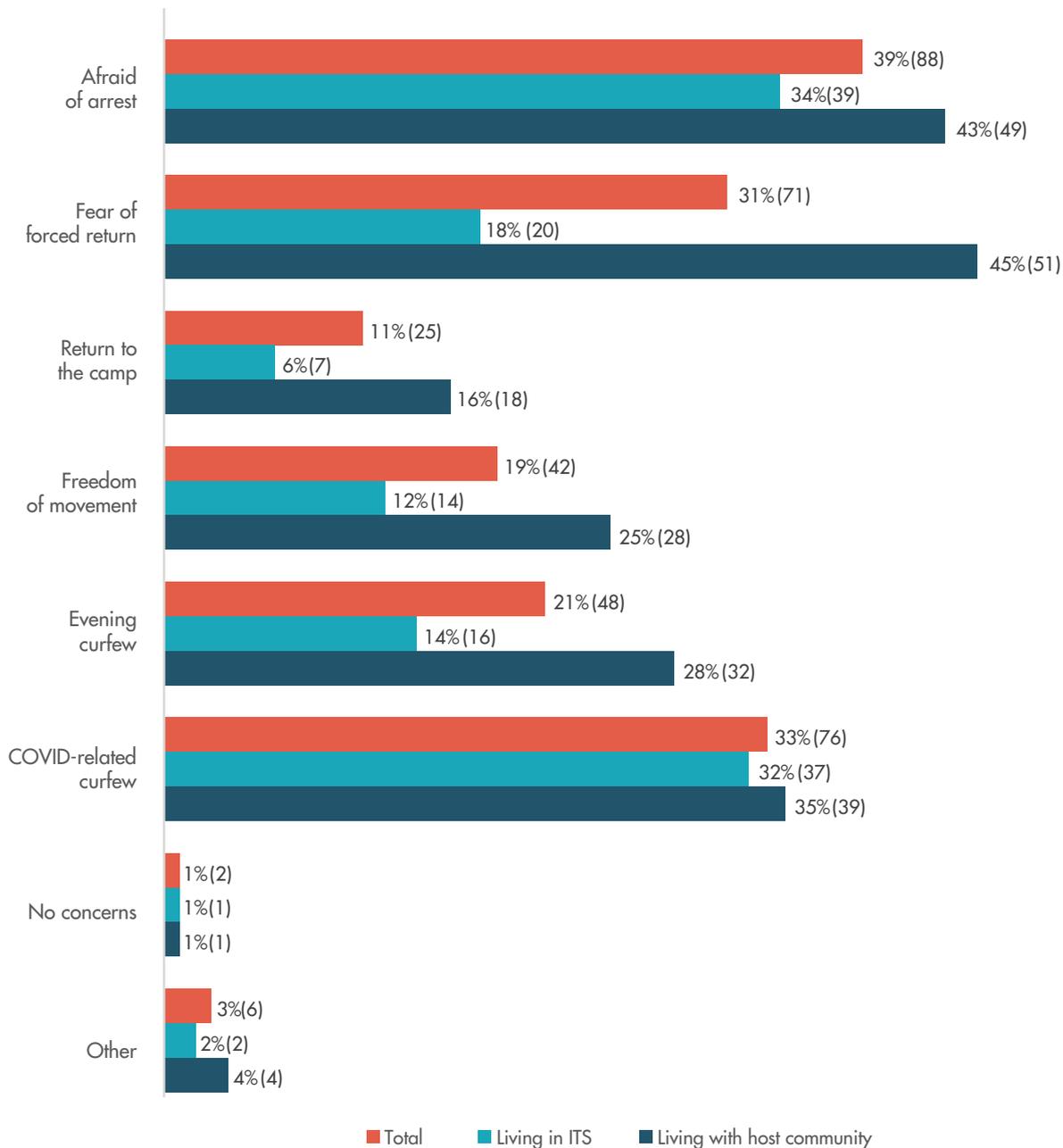
While the lack of legal residency can perpetuate cycles of violence for women, Syrian refugee men’s fear of deportation can also incentivize them to stop perpetrating abuse. One legal expert and a few survivors cited times when SGBV survivors approached the Lebanese authorities and perpetrators

48 ANND (2016). *Informal Work: Reality and Rights*. Available at: <http://www.annd.org/cd/arabwatch2016/pdf/arabic/2.pdf>

49 UN Women, UNHCR, and ILO (2021). *Fraught but Fruitful: Risks, Opportunities, and Shifting Gender Roles*. Available at: <https://arabstates.unwomen.org/en/digital-library/publications/2021/03/fraught-but-fruitful-risks-opportunities-and-shifting-gender-roles>



FIGURE 7 – CHALLENGES WITH LEGAL STAY REPORTED BY SURVEY RESPONDENTS (N=227)



then stopped their abuse, fearing possible legal consequences; this was more common amongst Syrian refugees with irregular legal status.

While the specialised services provided by NGOs and civil society are critical to facilitate holistic healing needed by survivors of SGBV and have unique knowledge of working with Syrian refugees within

the Lebanese context, challenges are still faced in coordinating services and messaging around access to justice. Respondents noted overlap or duplication in some areas in the provision of awareness raising. NGOs must additionally deal with a number of external interlocutors, meaning survivors have to share their story multiple times (and while typically case workers help to manage the process, this is not always the case

for example in police stations). With each time this occurs, and, in the event they are not treated well or with empathy, the chances of a survivor continuing with the process are reduced.

4.2. WHAT ARE SYRIAN REFUGEES’ EXPERIENCES WITH FORMAL AND INFORMAL JUSTICE MECHANISMS TO ADDRESS SGBV?

4.2.1. Refugee Community’s Understanding of Their Rights Related to Justice

KEY TAKEAWAYS



- Syrian refugee women (especially in informal settlements) have very limited awareness of their legal rights and services for SGBV in their location.
- Survivors report having misguided expectations about the duration and limitations of NGO service provisions to support SGBV cases; those experiencing spousal abuse believed that they would be receiving long-term support.
- Police, ISF, and other authorities need better knowledge of the laws and entitlements afforded to the Syrian refugee population in Lebanon.

Syrian refugees have limited information on where and how to access justice for SGBV issues, though efforts have been made to ensure better availability of information. Most information is relayed by word of mouth: family; friends; neighbours; and NGOs specialised in addressing SGBV, some of whom have specific volunteer outreach programs that have had a notable impact in past years. Some legal actors are now using Facebook, Instagram, WhatsApp, live website broad-

casts, and other online means to share information on rights and legal services, particularly in the COVID-19 pandemic. An assessment conducted by the SGBV Task Force at the onset of the pandemic found that 33% of female respondents reported facing difficulties in accessing services remotely due to their limited access to means of communication (16%), feeling unsafe in speaking over the phone (15%), and being denied access to means of communication by their partners or family members (2%).⁵⁰ In the survey, the 14% of women reported not being aware of any way to access justice in response to SGBV. The majority (43%) reported being aware of informal ways only, and less (17%) reported being aware of formal ways; 32% reported being familiar with both (Figure 5).

“I found out about the hotline through the women that would give us the awareness sessions. After these, we are more aware and know that for any form of harassment that we experienced, we can contact the hotline.”

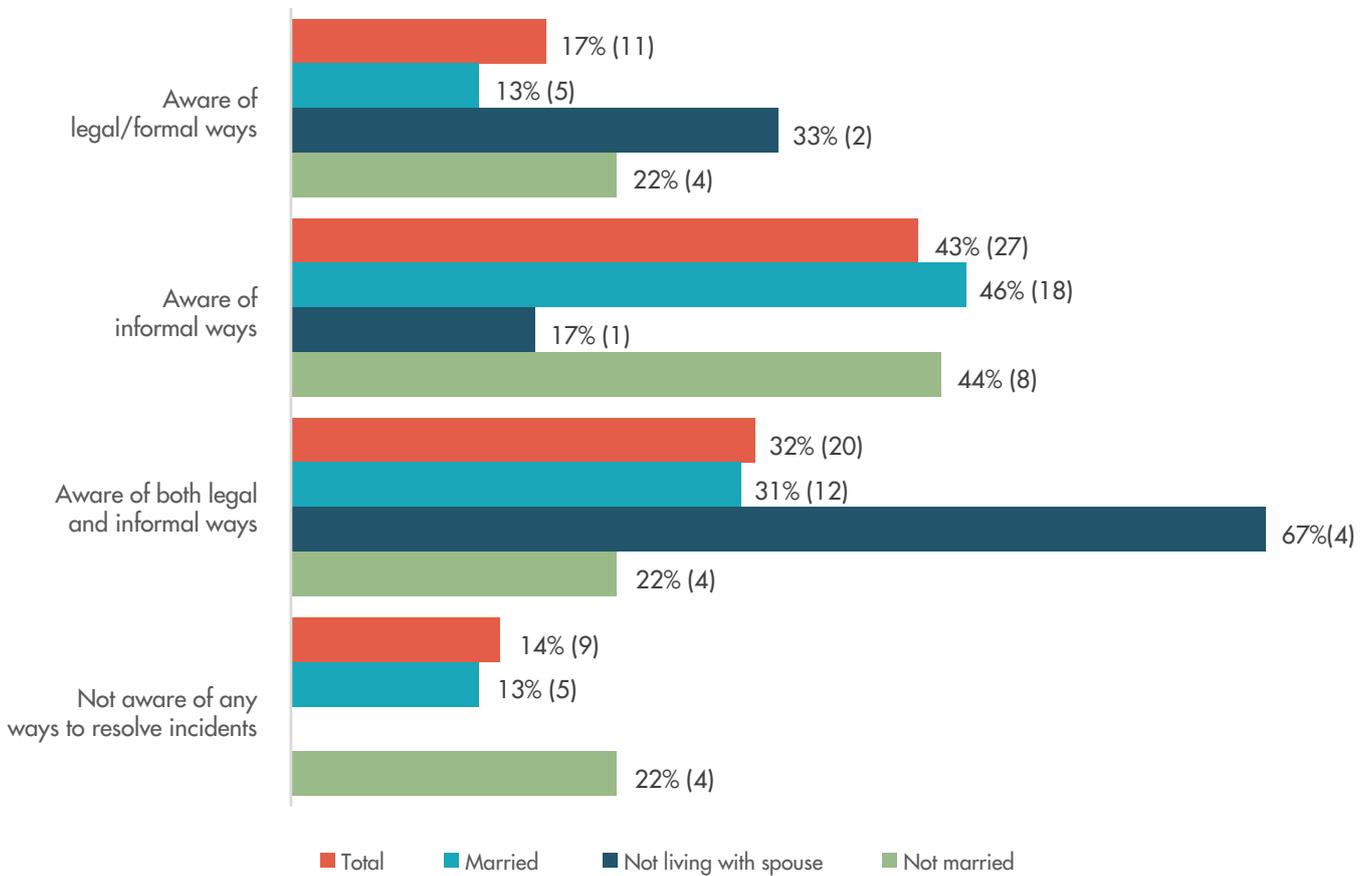
– FGD, Palestinian-Syrian Women Aged 22-59, Yarmouk

Under the Code of Civil Procedure, refugees have access to right to sue, prosecute, file lawsuits, etc.,⁵¹ however, refugees are not protected by Lebanese law without legal residency, which the vast majority of Syrians in Lebanon do not have (women less than men). The difference between what is on paper and the reality further clouds refugees’ understanding of their rights and entitlements, this is further exacerbated by a history of negative interactions with Lebanese authorities and a lack of understanding of entitlements even on the part of some police and justice actors.

50 SGBV Task Force (2020). *Impact of COVID-19 on the SGBV Situation in Lebanon*. Available at: <https://data2.unhcr.org/en/documents/download/76729>

51 Article 7 of the Code of Civil Procedure.

FIGURE 8: ARE YOU AWARE OF FORMAL/LEGAL AND INFORMAL WAYS TO RESOLVE INCIDENTS OF SGBV? (N=63)



There is still a deficit in accurate information on how to access the legal system and misunderstandings or mischaracterisations of what is meant by “informal justice”. Many respondents confused the religious courts, which link to formal processes and informal mediation by religious leaders; at times they used the terminology interchangeably. The distinction between informal mediation and the religious courts is important for refugees to understand, as there is no legitimate mandate for Sheikhs to address SGBV. Researchers used a number of terms in Arabic to help clarify what is included in the definition of informal justice and provide concrete examples for respondents to clear up any confusion. Because there is a fair

amount of interconnectivity between formal and informal systems, it can become difficult for community members to parse the nuance.

“If something happened with us, I definitely would not resort to the formal mechanisms. I would go to the organisations [NGOs]. Would someone report to the people that scare them in the middle of the night?”

– FGD, FHH Females Ages 47-60, ITS

The media also plays a critical role in shaping the refugee community’s understanding of their rights

and legal service availability, elevating either positive or negative outcomes of SGBV cases and therein impacting perceptions of the legal system’s efficacy. There are limited high-profile SGBV cases that have demonstrated successful accountability against the perpetrator, even less where the plaintiff is a Syrian refugee woman. However, such information belies the fact that systematic and public information is not available about the rates of case closure and verdicts for SGBV cases by the Ministry of Justice.

Survivors frequently reported that they did not understand the duration and limitations of NGO service provision when they originally sought help.

Most of those who were experiencing spousal abuse believed that they would be receiving long-term support and would be protected (financially, legally, etc.) if they chose to divorce their husband. Women who lack economic independence can be particularly vulnerable, especially if they must find alternate housing or support their children with limited financial means. It is particularly difficult for refugee women, especially those without legal residency, to find employment in Lebanon. The economic emergency in the country, further exacerbated by COVID-19, leaves these women in precarious scenarios. While minimum standards for case management are followed by organisations to ensure survivors agree to and understand what assistance will be provided, survivors sometimes misunderstand or have misguided expectations of the longevity of services; **several women said they would not have divorced an abusive husband had they fully understood that the NGO support would be for a limited time.**



**Case Study No. 4:
Samira is a Trans Woman**

Samira (name changed) is a transgender woman who was harassed and then picked up by authorities in front of a pharmacy under the presumption that she was engaging in prostitution – not an uncommon occurrence for people who are gender non-conforming or transgender women. Samira sought support from several organisations to help resolve her case, but most told her it would take many years (and corresponding legal fees) for her case to be addressed. She is reluctant to file any type of report, as the mere existence of her gender identity puts her at risk under Lebanese law. Samira has been waiting for more than two years to sort out the arrest record and is fatigued by the lack of support available to people in her situation. She wishes she did not have to fear going outside and potentially being harassed or arrested again just for being transgender.

“My lawsuit for being picked up by police on the street just for being trans – my case has been ongoing for three years... I don’t have any money, if I was able to pay for my own lawyer I would have. I am a normal human and want to live a normal life. I don’t want to be hiding, anytime I go out I have to be scared.”

– Case study, Transgender Woman, Beirut

While NGOs and civil society have unique knowledge of working with Syrian refugees within the Lebanese context and provide specialized services that facilitate the holistic healing needed by survivors, there are still many challenges are in coordinating services around access to justice. Respondents noted overlap or duplication in some areas in the provision of awareness raising. NGOs must additionally deal with a number of external interlocutors, meaning survivors have to share their story multiple times (and while typically case workers help to manage the process, this is not always the case, for example in police stations). Each time this occurs, and in the event that they are not treated well or with empathy, the chances of a survivor continuing with the process are reduced.

In domestic violence cases, the presence of children in the family introduces additional complications for women. Custody decisions are highly gendered within a patriarchal system that prioritises giving custody to fathers. This applies to children as young as the age of two, depending on their religious sect, even if the father is abusive. Even with younger children, a bias towards giving the father custody was noted. This becomes even more challenging to combat if a male abuser withholds essential documents needed for family court.

4.2.2. Resources Refugee Survivors Require to Access Justice in Lebanon

KEY TAKEAWAYS



- Holistic and sustained support is critical for SGBV survivors throughout the justice-seeking process.
- Access to documentation is essential in family court cases.
- More (female) advocates and legal counsellors would enable survivors to feel safer and allow for better accompaniment throughout the process (both formal and informal).

SGBV survivors need holistic and continued multi-sectoral support during and after justice is sought. Resources provided by NGOs and other specialised organisations, while extremely valuable, are frequently insufficient to meet the survivors’ needs and survivors cannot bear the costs on their own. Respondents across categories noted that legal or mediation support alone does not suffice and often different types of services are not well coordinated. Key informants recommended “one-stop shops” be more systematically and consistently used as an implementation model, as it reduces the stigma women face and instead allows them to seek more “neutral” services in a facility that is accepted by community members. In the survey, women reported that the leading gaps in service provision are: 1) psychosocial support through the process of seeking legal redress, 2) lack of female legal representatives, and 3) provision of legal documentation (Figure 6).

“In the centre they are helping me do my papers, register my marriage, get my children. I am learning embroidery, Zumba, cooking, and I am reinforcing my experience. There is also psycho-social support, clinical psychology, and there is a lot more. I am feeling happy in the organization; I feel like I am being born again and when I get out, I will be a new stronger person.”

*– Case study, 30-year-old Woman,
Resident of a Woman’s Shelter*

Survivors must have access to civil documents in cases brought to family court, as well as documents provided by religious Sheikhs where when such measures were used.

Many respondents persistently requested advocacy for reform related to legal stay and more support to help refugees renew or replace documentation. This not only helps reduce the fear survivors face in seeking justice, but also can expedite the time-consuming and bureaucratic processes to resolve their case. Particular support is needed when an abuser confiscates documents necessary for a survivor to proceed with a case. There were instances when international agencies were reportedly unable to extricate the survivors’ file from their abusers without certain documents. All these constraints are exacerbated by the deficit in legal professionals within NGOs available to support survivors, which was noted by refugee women as a critical – not just to facilitate documentation but to help them navigate the legal system effectively.

“They told me that they can’t help me in any way other than providing me with a lawyer, but even the lawyer can’t help me now due to [COVID-19]. Currently, there is no lawyer. The government needs to give more importance to the courts. The conditions we are living in, like other women here, we can only handle so much abuse... In this time, it would be great to have some support and to be able to lean on the courts.”

– Case study, 25-year-old Woman, Ouzai

Some key informants emphasised the need for legal and procedural reforms, focusing on working with ministries to push for decisions, memos, and administrative documents that may advance reform more quickly. This would be done in parallel to wider long-term legislative reforms. They noted the value of having such advocacy for administrative reforms be driven by local service providers and in a collaborative manner with local authorities and justice actors. Some respondents emphasised that these reforms need to be driven by the community by putting pressure on municipalities at the local level rather than waiting for the central government to change the system overall, especially during this time of political instability.

“In the stations, there are cases that don’t reach the courts... due to discrimination against Syrians and prioritization of Lebanese. To fix this problem, we need to address the stage of filing a complaint at the police. This is why I think it’s better to submit the complaint at the urgent matter courts where she doesn’t pass through the police and doesn’t experience this form of discrimination.”

– E-KII, Judge, Beirut



Photo credit: Dar Al Mussawir

Community-based advocates and legal counsellors play an important role in supporting survivors as they seek justice for their abuse, particularly women. Currently, there are not enough female leaders to support this cause. This underrepresentation is to the detriment of a marginalised population that already faces substantial barriers to reporting SGBV issues. Respondents highlighted the need to support local women’s rights organizations and women-led initiatives that bring attention to the challenges survivors face in accessing justice. An increase in female representation is needed not just in civil society, but also within legal representation to accompany survivors throughout the process.

In terms of the capacity of NGO service providers to support survivors throughout the justice-seeking process, there are several resource constraints that inhibit their work. Many informants advocate for a longer-term ability to support survivors with continued services – prioritising economic assistance that will enable women to gain financial independence if separated from family. Currently many of the economic

services, such as limited-duration vocational training for women, do not suffice to adequately prepare a survivor to sustain her own livelihood. NGO workers also note the lack of available, safe, and adequate shelters for survivors, with some providing feedback that not all shelters are adhering to the internationally recognised standards for safe shelters and that there is limited accountability for this. Informants pointed out the additional need for stronger coordination to ensure the same approach is being used across the sector for pathways to justice and protocols for referral.

Respondents consistently echoed the need to change personal status laws to better support the Syrian refugee community. This would encourage more reporting of SGBV cases through the legal system, which then enables better adherence to international standards.

“Culture and traditions are stronger than the rule of law.”

– E-KII, Religious Judge/Sheikh

CONCLUSION

This research has examined the challenges and opportunities for Syrian refugee women who experience SGBV to access justice for their abuse, examining both state-led (formal) and community-led (informal) arenas, as well as their intersections. While every woman’s pathway to seeking redress is nuanced and individualised, clear patterns have emerged around the drivers of the decision to seek informal mediation, pursue a case in formal court, or some combination of the two. Socio-cultural drivers, which remain very gendered in a patriarchal society, play a significant role in whether or not a survivor seeks justice, through what modality, and what the final outcome is. Additional considerations, particularly when considering addressing violence through criminal court, are the legal stay status of the survivor, the relation with the perpetrator (familial or non-familial), and her economic ability to see the case through and recover afterwards. Lesbian, bisexual, queer and trans women are particularly at risk and marginalised in their ability to access any form of meaningful justice due to legal discrimination against their gender identity and/or sexual orientation. Religious affiliation and traditions dominate the structures by which informal justice, such as alternative dispute resolution, is administered, with heavy influence by male community members and religious leaders. These unequal power relations and displacement status compound risks for Syrian refugee women who try to report a case or be freed from an abuser. Addressing the underlying causes of systemic gender inequality, reforming the justice system, and investing in long-term sustainable economic support to female refugee survivors are critical to building a justice system that protects everyone in Lebanon.

RECOMMENDATIONS

The following outlines structural and programme-specific recommendations aimed at informing ongoing and future SGBV access to justice programming, specifically targeting Syrian refugee women. The proposed recommendations below are formulated to address barriers related to the I) legal context and relevant institutions, II) service provision, and III) individuals and communities.

I) ADDRESSING THE LEGAL PROTECTION ENVIRONMENT AND LEBANESE JUDICIAL SYSTEM

GENDER CAPACITY AND REPRESENTATION

- Resource long-term capacity building and performance management of law enforcement and legal professionals, specifically related to SGBV in the refugee community. The inconsistency in how refugee survivors are treated once they report their case to the ISF or police, as well as the prevalence of maltreatment, reduces the chances they will continue with the process.
 - All police stations should have a designated focal point for SGBV, accompanied by widescale trainings mandated to ensure sensitivity to the handling of these cases; stations must also have separate rooms for confidential and safe discussion with survivors.
 - Accountability mechanisms (e.g., complaints mechanisms accessible to refugees) should monitor performance and violations of human rights or mistreatment of survivors. Violations and mistreatment must be met with disciplinary measures. Such accountability measures should make every effort to ensure a reduction in nepotistic behaviour that may prejudice decisions made regarding the survivor’s case.

- Develop gender-sensitive manuals and provide systematic and ongoing training for legal professionals (lawyers, paralegals, judges), law enforcement (police, investigators), and other justice actors (forensic doctors and experts) on women’s rights, refugee rights, existing SGBV laws, Lebanon’s international obligations under human rights frameworks, referral mechanisms, gendered experiences of justice, and the needs of survivors.

- Provide technical assistance to Lebanese justice institutions to develop measures for expeditious legal proceedings and fast-tracking of SGBV cases to address the backlogs and delays, speeding up processes for survivors.

- Advocate for the recruitment of women in leadership positions within the justice system and police and security forces, in line with Lebanon’s commitment to the National Action Plan 1325.

LEGISLATIVE AND POLICY REFORMS

- Support legislative reforms to address gaps in the legal protection framework for women in Lebanon.

- Adopt a unified personal status law, a minimum age of marriage at 18 years of age, and a definition for sexual violence.

- Amend Articles 503 and 504 of the Penal Code to criminalize marital rape.

- Repeal Articles 521, 526, 531, 532, 533, and 534 of the Lebanese Penal Code, which are used to criminalize impersonating women and entering into women-only places, sex work, breaking public decency and morality norms, the promotion or sale/purchase of items considered contrary to public morals, and

same sex relations and nonconforming gender identity and expression, respectively.

- Advocate for more permissive policies on legal stay for refugees, including faster and more affordable residency approval procedures that reduce harsh penalization for those with vulnerabilities.

DATA AND MONITORING

- Establish a monitoring mechanism for local women’s organizations to document the procedures, outcomes, and experiences of women in informal justice systems. Enable these organisations to report on discriminatory and harmful practices and far-reaching women’s human rights violations.

- Support the Government of Lebanon to establish, in justice and law enforcement institutions, systems of data collection, analysis, and reporting on the occurrence of violence against women, case management and progress in administering justice to survivors of SGBV, and areas of improvement.

GUIDANCE ON ENGAGING WITH INFORMAL JUSTICE SYSTEMS⁵²

In line with CEDAW, it is always preferred for women to utilize formal justice mechanisms as they are better positioned to protect women’s rights. However, given that Syrian refugee women in Lebanon are utilizing informal justice mechanisms, there is an increased need to understand how international and national actors deal with these community-based mechanisms. The following recommendations provide guidance on how actors might be able to effectively engage with community-based justice structures, with the primary goal of ensuring women’s access to justice in the face of violence.

- Focus on empowering women to make informed decisions when seeking justice, if they are choosing or forced to participate in informal justice processes in their community.
- As a guiding principle, ensure that any engagement with informal justice systems and actors focus on improving women’s human rights and ensuring their practical realization.
- Increase the evidence base on women’s experiences with informal justice Strengthening investment in participatory and collaborative research that informs policy and programming on access to justice.

52 International Development Law Organization (n.d.). *Issue Brief: Navigating Complex Pathways to Justice: Women and Customary and Informal Justice Systems*. Available at: <https://www.idlo.int/sites/default/files/pdfs/publications/idlo-issue-brief-women-cij-final-web.pdf>

II) RESPONDING TO BARRIERS IN SERVICE PROVISION

ACCESS AND AWARENESS

- Invest in increasing access to sustainable Women and Girls Safe Spaces (WGSS), which offer comprehensive services as a “one-stop shop” in one location, accelerate coordination, and lower stigmatization for refugee survivors. SGBV actors should share successful models of multi-sectoral support centres to harmonize the approach and advocate for increased resources. When survivors can access psychosocial support, legal support, medical or health support in a safe and unstigmatized location, it increases the chances that, through this entry point, more survivors will report and seek justice for their abuse. Such approaches exist in Lebanon but should be amplified, better resourced, and maintain consistency in the quality of services provided.
- Investment in WGSS should include the establishment of safe houses for LBQT women and other members of the LGBTIQ+ population (as these currently do not exist in Lebanon).
- SGBV actors should be trained in issues specific to the LGBTIQ+ community to increase response capacity, improve case management proficiency, and reduce negative attitudes towards gender non-conforming individuals.
- Increase the availability of legal information and enhance women’s knowledge of their rights, existing laws, different pathways to seek justice, and available legal support to enable them to make informed choices and to challenge informal justice practices when they contravene formal laws or international human rights.
- Ensure that referral networks are accessible for female refugees, particularly in camps and remote areas.

LEGAL SUPPORT AND MULTI-SECTORAL SERVICES

- Provide legal advice and representation for female refugees to regularize their temporary stay in Lebanon and enable them to seek justice through the formal system in SGBV cases.
- Establish a feedback/complaint mechanism to report on the case management services provided by police stations and personnel to female refugees in SGBV cases.
- Allocate sufficient state and humanitarian resources to secure appropriate and comprehensive violence support services in remote areas, including shelters; hotlines; and medical, psychosocial, and counselling services. Include resources for employing specialized legal professionals.
- Ensure the availability of financial support for SGBV survivors to cover legal fees and other expenses associated with pursuing justice such as medical, forensic testing, and transportation costs.
- Support female refugees to navigate justice mechanisms through legal clinics, community centres, or local women’s rights organizations (which may provide additional resources beyond legal support).

COORDINATION

- Strengthen referral systems and coordination mechanisms across law enforcement and justice institutions by supporting the development and implementation of appropriate protocols and standardized documentation. An example is police forms and medical examination forms that can be used in evidence as proof of the crime, are easy to fill in, and contain appropriate sections to guide a court of law to appreciate the circumstances of the crime and the impact that it had on the survivor.

LIVELIHOODS

AND WOMEN’S ECONOMIC EMPOWERMENT

- Prioritize funding for sustainable long-term economic empowerment programming targeting female refugee survivors of SGBV. The use of cash and other forms of livelihood programming as part of case management should complement specialized services, such as psychosocial support and legal aid, and act as a bridge to the longer-term financial independence of survivors. In addition, service providers should give clear and transparent information about the duration of services to survivors and ensure survivors are able to plan for the transition away from the provision of aid. Such approaches should recognize the barriers refugee women face with engagement in income generation and find ways to facilitate their safe engagement in the labour market.

III) TRANSFORMING INDIVIDUAL AND COMMUNITY-LEVEL BARRIERS

PATRIARCHAL SOCIAL NORMS

- Facilitate community dialogue on women’s rights, access to justice in response to SGBV, and legal protections. Emphasize women’s right to seek legal redress in response to both family and non-family violence.
- Scale-up programming that engages men and boys, particularly community and religious leaders, to prevent and respond to SGBV, as well as challenge and change harmful male behaviours and attitudes.



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