



ngo group for the crc

STATE PARTY EXAMINATION OF THE SYRIAN ARAB REPUBLIC'S THIRD AND FOURTH PERIODIC REPORT

58TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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The Syrian Arab Republic (Syria) ratified the Convention on the Rights of the Child (CRC) on 15 July 1993. On 22 September 2011, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic report of Syria. It was last examined on 6 June 2003. The State party has reservations on articles 14, 20 and 21.

Opening Comments

The delegation of Syria was led by Dr. Insaf Hamad, Chairperson of the Syrian Commission of Family Affairs. She was supported by a high-level delegation consisting of representatives of the Ministry of Justice, the Syrian Commission of Family Affairs, Ministry of Health, Ministry of Foreign Affairs, Ministry of Justice and the Permanent Mission in Geneva.

Dr. Insaf Hamad expressed her thanks and appreciation to the Committee for its work towards better care and protection for the children of the world. She emphasised Syria's commitment to international human rights treaties and the best interests of the child, but acknowledged the challenges Syria had faced regarding the rights of the child due to the recent protests and related difficulties in the country. Dr. Hamad regretted that children had been caught up in the protests and used as political tools, despite calls by the government that parents should protect their children from being exposed to such dangers.

Dr. Hamad highlighted that despite legislative development, Syria needed political, social and economic reform, noting that in recent months, the legitimate needs and demands of the Syrian people had been exploited by armed groups for sinister purposes, to impose sedition, undermine security and terrorise citizens. The head of delegation informed the Committee that a specialised judicial committee had been formed to investigate complaints about any misconduct or human rights violations perpetrated during the recent period of unrest.

Children could also complain to this committee. She noted that the media had played a significant role in exaggerating events and misleading public – and international - opinion on how the government was handling the situation, which had not been appeased by a series of recent legislative and policy reforms.

The head of delegation referred to the recent legislation on the prevention of human trafficking, which covered the provisions of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC). She explained that the continuing Israeli occupation hampered Syria's efforts to comply with its obligations under the CRC. Israeli violations had threatened the right to life of children in the occupied Syrian Golan. Syria had also faced difficulties such as the high rate of population growth and drought that had beset the region for several years. The Syrian government would focus on poverty alleviation and social justice in the future but undoubtedly would be faced with many challenges.

Dr Hamad referred to the large number of refugees received from Palestine and Lebanon, which had amounted to 1.5 million. These refugees lived among the Syrian people and were granted access to all the same services free of charge, which applied more pressure to the budget. Although NGOs had increased their contribution to realising social development, the State needed to improve its administration and technical capacities. She hoped that deliberations by the Committee would contribute objectively to strengthen Syria's efforts to improve the status of their children and give them a prosperous future.

Mr. Hatem Kotrane, Country Rapporteur, thanked the head of delegation for her statement and additional information. He noted that the discussion was being held in extraordinary circumstances and in a time of suffering for the Syrian people. He referred to the events that had occurred this year, including attacks on dwelling and living quarters, the use of tanks and firing into demonstrations, the using of live bullets with no regard for human rights and the alleged use of torture and other forms of inhuman and degrading treatment. He noted that civilians, including children, had been the victims, adding that the information received reported that more than 187 children had died since these events began and there were probably more undocumented deaths. He explained that children had allegedly been subjected to different forms of torture such as violence in detention and security holding centres. Even schools had become detention and interrogation centres and children were used as political tools. Mr. Kotrane mentioned reports about the use of broadcasting to brainwash children, which ran counter to all international human rights conventions, including the CRC. This matter caused the Committee great concern as it was a flagrant and serious violation of all principles and rights enshrined in the CRC, including the rights to life, freedom of expression and of association, as well as the right to survival and development, and the right to be protected from all forms of torture, inhuman and degrading treatment.

Mr. Kotrane asked the delegation what measures the government and security forces would take in the short term to remedy the situation and asked what measures would be taken to investigate violations against children in an impartial and objective manner. He asked what actions Syria had taken to more fully implement the CRC since submission of the second report, adding that Syrian children had expectations of the Committee and they were waiting to see what would be done. There would be no future for Syria unless the rights of children were fully respected. He concluded that it was an important day and hoped for a frank and open discussion to find solutions.

General measures of implementation

Implementation of Rights

The Committee noted that despite the ratification of some international human rights conventions to date, there were additional measures to be taken to ratify the Convention on the Prevention of Enforced Disappearances, the Optional Protocol to the Convention on Economic, Social and Cultural Rights, as well as the Optional Protocols to the CRC. The Committee questioned why Syria had not ratified the Optional Protocol to enforce the rights of the child before justice. The Committee asked how the rights of children were enforced in Syria in the justice system. The Committee questioned whether the government planned to withdraw its reservations to articles 14, 20 and 21 of the CRC. The Committee questioned whether the CRC provisions had been effectively applied or suspended in light of the current situation in Syria.

Legislation

The Committee welcomed the Syrian decree 49 that granted citizenship to stateless minorities and asked what rights stateless minorities held in Syria. The Committee asked about the status of the amendment that would allow the children of Syrian women and non-Syrian men to have Syrian citizenship. The Committee noted that the five-year national action plan on children had not been completely implemented with regards to amendments to national legislation. The Committee hoped the legislation would be updated quickly as many fields within national legislation were not in conformity with the CRC.

The delegation answered that the draft of the Children's Rights Bill had been introduced in 2005 but had still not received approval from different ministries. The delegation explained that NGOs had opposed the draft as they felt it was not in conformity with the CRC. The delegation explained that the remaining reservations on religious issues in the final version of the draft would need to be approved by ministers before adoption. The delegation stated that an agreement had not been reached and it had been left to the people assemblies which contributed to the delay. The Committee stated the process had begun in 2005 and that current events could not be held responsible for the delay. The Committee requested that the national law be compatible with the CRC. The delegation stated the CRC was in force and included in national legislation. The delegation explained there was a state of emergency but it did not suspend the application of the law and international human rights conventions.

Monitoring

The Committee noted that NGOs had to be registered with a permit to exercise their activities. The Committee asked the delegation for the position on the registry of NGOs, particularly those working on children's rights. The Committee asked whether Syria had established a national human rights institution to monitor the implementation of the CRC in the country.

The delegation answered that Syria had a special section monitoring international relations and human rights issues in every ministry. It added that the State had looked into setting up a higher council for human rights after national dialogue and explained that if this idea should be approved, it would include all stakeholders in the government and be in consultation with intergovernmental organisations and NGOs. The Committee questioned if the Legal Commission, set up by the Public Prosecutor, was working under the direction of the Ministry of Justice. The Committee was concerned for the independence of the Legal Commission as

there was a difference between the general prosecutor and the members of the judiciary. The delegation stated that the general prosecutor formed part of the Commission and received instruction from the Ministry of Justice. The delegation explained that this was a judicial Commission created to investigate the protests, exceptional events and normal events in Syria. The delegation stated that the head of legal inspection had taken leadership of the Commission.

The Committee questioned if there had been independent instruction available to the Committee Commission to carry out impartial and independent investigations and whether there were any international observers participating. The delegation stated that a higher judicial Committee was set up by the general prosecutor which contained a number of highly competent judges who could provide impartial and independent information. The delegation explained that the Committee was neutral and impartial. The delegation stated that the information was made publicly available through press conferences and the website of the higher judicial committee.

The Committee explained the need for a mechanism to be set up that could receive complaints from children and noted that the new Optional Protocol to the Convention would allow for the transmission of complaints to the Committee in the future, if ratified. The delegation explained that Syrian law allowed children to complain through parents and guardians. The delegation explained that the Legal Committee was studying a proposal to appoint a mediator for children which would be applied on approval.

Dissemination and Training

The Committee asked about the development of a protective framework to train military personnel, to ensure the protection of children and to ensure children would not be victims of the conflict. The delegation stated that the media had exaggerated the recent events in Syria, explaining that there had been no child victims of the conflict. The delegation noted the law did not provide for the arrest of children, adding that children would only have been arrested if they were unable to verify their age. The delegation explained that the alleged deaths of children had in fact been of natural causes and allegations of torture were the result of fabrications and exaggerations. The Committee asked whether the State's manual of procedure for armed forces included specific provisions about the rights of children and if so, whether they had been implemented. The Committee questioned whether there was specific military training about the rights of children and young people.

Budget

The Committee asked whether there was a separate budget for the Syrian Commission for Family Affairs, as well as how the national budget was allocated specifically for the benefit of the child, for example for education. The delegation explained that one fifth of the budget was allocated to the Ministry of Education. The delegation explained that teachers were given supplementary salaries and that this, along with the cost of training a nurse, for example, was part of the budget indirectly spent on children. The Committee stressed the budgets governing the salaries of teachers were not of direct benefit to the child under the CRC. The delegation stated that there was a good budgetary allocation for underprivileged areas and there were joint programmes with the Ministries of Agriculture and Health to develop the North and Eastern parts of Syria. The delegation stated that the budget for family planning, education, training, employment and to improve the standard of living all affected children indirectly. The delegation reassured the Committee that there were many resources allocated to children

including free services such as education and health. The delegation noted that the State was looking to increase allocations but that it was struggling to keep up with the population increase. The delegation explained that the State hoped to be able to improve their awareness of the budget expenditure. The delegation stated that 2.2 billion Syrian pounds had been spent on child vaccination programmes in 2011.

Definition of the Child

The delegation stated that a distinction is drawn between Syrian and Israeli children inherent in Israeli law. The delegation explained Israeli children remain children until they were 18 pursuant to Israeli law whereas in Syria children became adults at 16 and were treated differently. The delegation stated that if Article 38 of the UN Declaration of Human Rights was considered the children of Syria have rights that must be respected and asked the committee to shoulder the responsibility to ensure Syrian children's rights are respected in the occupied Syrian Golan. The delegation asked the committee to take immediate measures to put an end to serious violations put be the Israeli occupational forces. The Committee thanked the delegation for informing them of the Syrian children in the Syrian Golan.

Civil Society

The Committee noted the importance of civil society and was concerned by the lack of NGO participation in the implementation of the CRC. The delegation noted that 90 NGOs worked in children's rights and there were nearly 2500 associations and federations throughout the country. The delegation explained that no government can achieve respect of children's rights without cooperation.

General principles

Non-Discrimination

The Committee questioned how the State distinguished between orphans and abandoned children, as well as children born to unwed mothers. The Committee was concerned by the separate orphanages for foundlings and orphans. The delegation explained that orphans and foundlings were separated as orphans sometimes had families to return to but foundlings did not. The Committee advised orphans and foundlings should not be separated when Islamic law calls for their co-existence and questioned whether the government had given a budget for the centres where affected children were housed. The delegation explained that shelters were not allowed to receive children from other categories as there were different standards in each. The delegation agreed that perhaps the policy should be reviewed to rationalise expenditure and change shelters. The delegation thanked the Committee for the advice and stated it would propose it to government.

The Committee noted the obstacle in inheriting property from one religion to another which violated the non-discrimination principle within the CRC. The Committee was concerned that children born to married parents who were of different religious backgrounds for example between foreigners who had no specific labelling in the country or to single mothers, were being discriminated against. The delegation explained that the Ministry of Social Affairs was trying to change the social care system to invent solutions. The delegation stated that they did not have a comprehensive plan for the protection of all children.

Survival and Development

The Committee explained it should be made easy for children to prove their parentage. The Committee was concerned that only children born in an official marriage would be recognised and be allowed to remain in institutional care. The Committee was concerned that measures to date did not suffice as children should be able to prove their parentage in order to access foster or social care.

Best Interests

The Committee noted that in custody cases after conflict the views of children were not heard. The Committee noted that in all cases to determine the best interests of the child the views of that child must be heard. The Committee explained that if the child is not heard the best interests of the child may not be an accurate evaluation and would not be the best way to decide such cases.

The Child's Opinion

The Committee commended the Children's Parliament as it considered the opinions of children in administrative decisions relating to them. The Committee commended the fact that the powers of the youth parliament had been extended as the government saw fit. The Committee noted that children were unable to testify in courts when they were victims of violations or witness to any act against their mortality. The Committee was concerned that in separation cases the views of the child were not heard to determine guardianship. The Committee questioned whether the State would change the situation.

Civil rights and freedoms

Birth Registration

The Committee asked how births were registered when a child was born out of wedlock and if the circumstances of that birth had to be registered through a police station. The delegation stated that depending on the personal status, the law compelled fathers to register new born children. The delegation explained that children born out of wedlock, including foundlings and abandoned children, could be registered at birth. The delegation stated that a judge could register the name of the child. The delegation stated that there was no such condition for registration in police stations. The Committee questioned the steps to allow children to exercise their rights when born out of wedlock and to prove their paternal status. The delegation explained that when the father is unknown, the law penalises whoever does not register the birth of the child. The Committee questioned whether there was legislation to allow children to confirm their parentage through DNA analysis.

Protection from Abuse and Neglect

The Committee commended the important measures taken to establish a hotline in relation to violence in the family. The delegation stated there was a project to establish a hotline for family counselling.

The Committee questioned whether the definition of domestic violence included marital rape. The delegation stated that the definition did not include marital rape. The delegation explained that this was a question of culture and admitted the law needed to be amended. The delegation explained that the National Committee of Family Affairs had agreed that the definition of abuse of a child or wife within the family should include psychological and

physical abuse including stereotyping the perception of women and their status in society.

The Committee was concerned that corporal punishment was still lawful in the penal system and schools and asked what measures had been taken to ban corporal punishment from all settings. The delegation stated that a school curriculum had been developed by the Ministry of Education to include provisions of the CRC and on discrimination against women. The delegation explained that they were on the right path to achieve a culture that rejected all forms of violence. The delegation elaborated that there had been challenges as Islamic law was used to justify extreme interpretations that were not in full conformity with Islamic teachings. The delegation assured the Committee that this was not the real spirit of Islam.

The Committee noted there was no express prohibition in law of family violence in spite of an order from the Ministry of Education. The delegation stated that there was no new plan for the protection of children as the first plan established institutions and now measures could be taken. The delegation explained there had been a delay due to administrative procedures such as the amendment of legal texts and the allocation of budgets. The delegation explained that there were graduates who had studied the protection of the family and they would staff the protection unit in accordance with the health care and psychological support needed. The delegation noted that this was a pilot phase and there would be 12 centres around the country.

Freedom of Thought, Conscience and Religion

The Committee commended the recognition of individual children's rights in the Covenant on Civil and Political rights. The Committee was concerned that children were unable to decide their religion until they reached 18. The delegation stated a child could make the choice of religion once the child became an adult. The Committee stated that this did not allow a child to have fundamental rights and despite the reservation to the CRC, this law was in contradiction to the CRC. The delegation explained that it was better to make the choice as an adult as there could be a strong impact on families. The Committee noted that it would be discrimination if parents were unable to accept their children's differing faiths and suggested the State should help families resolve any difficulties in this process. The Committee noted that parents had the right and responsibility to guide their child to exercise their freedom of religion and urged the State to reconsider the situation on freedom of religion as Syria had not been known for religious intolerance. The delegation explained that they had considered reviewing the reservation and suggested a deep national dialogue on this issue.

The Committee noted that parents should not have the right to decide the religion of their children. The Committee recommended that it was time to withdraw the reservation on this article if this was the only reason for it. The delegation explained the only constraints on the right of religion were public order, security and fundamental freedoms. The delegation promised when it returned, workshops would be held on this matter and decisions would be transmitted to achieve an adequate result.

Family environment and alternative care

Safeguarding of Children

The Committee noted that fathers were responsible for the safeguard of the child and where there was no father the guardianship was passed to the closest male relative. The Committee stated that this did not consider the best interests of the child and asked what would be done to remedy this. The Committee noted that the mother was solely responsible for a child born

out of wedlock and explained that in such cases, the mother often abandoned the child to be looked after by the State. The Committee questioned how many children had been affected by this and recommended preventative measures to avoid this outcome.

Early Marriage

The Committee noted the legal age of marriage was 17 for girls and 18 for boys and asked when the legal text to raise the age of marriage to 18 for girls would be implemented. The delegation answered that this was one of the priorities when drafting the law on children's rights. The Committee stressed that forced marriage and early marriage were not permitted under the CRC. The delegation answered that convenience marriage was not widespread in Syria but could be present in other countries. The Committee was concerned that grandfathers could authorise marriages for girls at the age of 13. The Committee asked what the State had done to eliminate early child marriages which limited the rights of children and prevented them from developing to their full human potential. The Committee explained that marriages of convenience could hide forms of prostitution which are prohibited under the OPSC. The Committee was concerned that Syria had not ratified this Optional Protocol.

The delegation explained that it would examine the phenomenon of early marriages and would spare no effort in taking every measure to limit the sale of children. The Committee proposed that early marriage should be addressed in law to eliminate the marriage of girls as young as 13 and boys as young as 15. The delegation explained that they had worked with many ministries and civil society organisations to warn of the dangers of early marriages from a social point of view. The delegation stated this had been done through weekly programmes issuing circulars and bulletins to raise awareness.

Adoption and alternative care

The Committee asked for clarification about whether there was a difference between the adoption of Syrian children and children under guardianship within the Kafalah system. The delegation explained that they are not the same, but that the two are very similar in regard to providing family care and raising the child. The delegation stated that in Kafalah, the name of child does not change. The Committee questioned whether children cared for under the principles of Kafalah had the same inheritance rights as an adopted child. The delegation explained that Kafalah children did not have rights to inherit. The Committee asked how the state party monitored Kafalah and adoption practices. The delegation stated that the Ministry of Social Affairs monitored the process of Kafalah and adoption. The delegation explained that there was a Committee of various experts who looked into reviews and eligibility of families. The delegation stated that there was a periodic check on the situation of the child and not every family could adopt or use Kafalah in accordance with the best interests of the child.

The Committee asked whether the system allowed for the mixed care of a child, for example if a Muslim family could adopt a Christian child or vice versa. The delegation stated that it was not possible for a Christian family to adopt a Muslim child and there had been no such practices. The delegation explained that Kafalah is best suited to Muslim children and Christians were best suited to adoption as each were based on their own religious teachings and the best interests of the child is recognised. The Committee noted that this could have raised a problem of co-existence of many existing legal systems.

Standard of Living

The Committee stated that during the recent protests, many men in Syria had been arrested, which resulted in a substantial number of families composed of women and children, with no income and therefore restricted access to food and other necessities. The Committee asked how the state party would address the issues faced by these families.

The Committee noted the family allowance was still very low. The delegation explained they had tried to improve the situation of the family but have been impacted by drought and migration. The delegation stated there had been an increase in salaries, funds for victims of the drought and agricultural support to help families. The delegation stated they worked with a number of international organisations in this field and hoped economic sanctions imposed on Syria would not mean Syrians who are relying on help are forced to leave the country.

Basic Health and Welfare

Adolescent Health

The Committee stated that according to reports, there had been a remarkable decline in infant mortality. The Committee questioned the Growth Monitoring Programme that was being run by the state and asked whether there were gender disparities. The Committee noted the State's commitment to early childhood development and that the government had signed up to the International Code on Marketing of Breast Milk Substitutes. The Committee asked whether the implementation of the code was monitored in hospitals. The delegation said that the code had been applied to private hospitals since the year 2000. The Committee questioned whether this service was free and available to all children. The Committee was interested in finding out what kind of programme the state party had for adolescents, particularly with regards to substance abuse and pre-marital and marital care. The Committee questioned if once screening had been carried out, did the results affect whether parents marry or not and whether they affect children.

Health and Health Services

The Committee commended the remarkable achievement in health, but expressed concern that children did not have access to health facilities in remote areas. The delegation agreed there was a lack of child hospitals but the situation was not as bad as portrayed. The delegation stated it was a continuing project and explained that there were four public hospitals with 80 beds in Syria for women and children which would become operational in six months. The delegation stated there would be special wings for children in hospitals.

The Committee noted children most commonly suffer from anaemia and asked what measures had been taken to fight malnutrition. The delegation stated that there had been problems with nutrition and the Ministry of Health had worked hard to deal with the problems in 800 centres. The delegation explained that counselling, iron supplements and a school meal programme had been made available. The Committee questioned whether the measures were available throughout Syria. The delegation explained that all children had a right to the best attainable level of health and to be treated in hospitals.

The Committee was concerned that the lack of reproductive health information had resulted in unsafe abortion, teenage pregnancies and a large number of births by single mothers. The Committee questioned what would be done to rectify this situation. The Committee asked

whether there were plans to educate children on preventative measures of HIV/AIDS and sexually transmitted infections, through the national curriculum and other public campaigns.

The Committee asked about what measures were in place to protect children's right to health, and in particular psychological health, in light of the current situation in the occupied territories. The delegation explained that five occupied villages in Syria did not have hospital centres or clinics. The delegation explained that Syria had been in touch with several countries and international organisations to deal with health matters, but the Israeli authorities had not given a positive response to the request.

Disabled Children

The Committee commended the Syrian government for the integration policy for disabled children. The Committee noted the State had developed programmes for the integration of children with disabilities and that corresponding legislative steps had been taken. The delegation stated they had taken a number of measures to guarantee rights as much as possible to children with disabilities, within the resources available. The Committee noted that this required special materials and staff needed to be specifically trained. The delegation stated they had no sufficient financial and human resources for disabled children. The delegation explained the state had a Masters Programme and a diploma to assist with the use of language for disabled children in cooperation with international organisations. The delegation explained the existence of a diploma containing training on how to instruct children with disabilities and protect the rights of children. The delegation explained there were students abroad who were training in this area and the state had tried to compensate with quick training in civil society institutions. The state acknowledged the long road ahead but stressed they would need to obtain necessary financial and human resources. The delegation stated that last year Syria held the Special Olympics for the disabled which helped to change cultural attitudes towards people with disabilities.

Living Standards

The Committee stated that the eastern region of Syria was highly disadvantaged before the crisis as 30 per cent of the population was below the poverty line and 11 per cent was living in extreme poverty. The Committee questioned what economic and social measures were in place to support children and families whose lives had been aggravated by the crisis and drought. The Committee stated many children had been displaced from their homes and asked whether there were mechanisms to monitor the impact of the crisis on the practical living situation of children.

Education, Leisure and Cultural activities

Education

The Committee congratulated the delegation for the State's focus on primary level education but was concerned by the drop-out rate of girls at secondary level. The Committee appreciated the girl education project and the high percentage of girls that attended schools but noted more girls left secondary school than boys. The delegation stated that enrolment rates were higher amongst girls than boys. The Committee noted there were a number of obstacles for girls such as early marriage and roles in agricultural communities. The Committee asked what had been done to improve the situation and remove the obstacles that prevented girls from completing their education. The delegation agreed that the drop-out rates

were higher amongst girls due to early marriages. The delegation explained that they were organising large awareness campaigns to overcome this problem.

The Committee asked whether children of minority families were able to study in their own language. The delegation explained that children had a right to speak their own language and be educated in their own language. The Committee asked whether teachers and professors working for and with children had been trained on children's rights and the principles of the CRC and whether teachers in mobile schools had been adequately trained for the purpose. The delegation stated teachers were trained and specifically trained to have combined classes, mobile schools and to cater to children living in nomadic communities.

the Committee stated that there had been emphasis on rote learning rather than deductive learning and questioned the treatment of children in primary schools. The delegation explained that the state had been focusing on education through resources such as television and radio.

Religious Education

The delegation stated that there was no religious education formally recognised by the Ministry of Education for boys and girls but that religious education was given in addition to regular education. The delegation explained it was the choice of the child or families to have religious education but the State would be satisfied as long as regular education was continued. The delegation explained that for male students, extra religious education was widespread and the secondary religious school could lead to university level education.

Aims of Education

The Committee noted that in secondary school, boys tended to carry out vocational training, but that girls were most likely to study house-keeping activities such as sewing and cooking. The Committee asked what had been done to change the situation and avoid the perpetuation of traditional stereotyping of gender roles. The delegation answered that nothing in the school curriculum was specific to boys or girls. The delegation offered to provide statistics that some boys wanted to learn to cook and sew but due to natural tendencies they chose carpentry and other vocational subjects. The delegation explained that girls could opt for carpentry if they chose.

The Committee asked if there were programmes available to children who do not reach secondary education such as vocational training. The Committee was concerned by the lack of national curriculum in relation to gender equality, which was still very present in the educational system. The Committee questioned whether reproductive and sexual health education were taught in schools and if young people were given the tools to grow up in a balanced manner. The delegation stated that sexual education was given in a number of school curriculums in science and Arabic classes, in accordance with the age of the child and as directed by the Ministry of Education. The Ministry of Health had taken steps to raise health awareness amongst adolescents. The delegation stated the availability of information on sexual education in family planning centres and referred to paragraph 725 of the State report.

Social and Economic Factors, Culture and Leisure

The Committee noted that economic development was extremely important. The Committee stated that drinking water had a direct effect on the quality of life and asked what was being

done to address the fact that 40 per cent of schools in the east and north of the country did not have access to clean running water. The Committee asked if there was a programme to obtain drinking water in schools that did not have running water. The delegation answered that Syria had suffered from a drought and it was a challenge for the government to provide drinking water. The delegation explained that 99 per cent of schools were provided with water by every means possible. The delegation stated that this water was not necessarily drinkable but the necessary measures were taken to ensure that schools have water. The delegation explained that the problem relating to water was a question of access.

Special Protection Measures

Refugee Children

The Committee commended the efforts made by the government of Syria to welcome refugees and commented on the 1.5 million Iraqis currently present in Syria. The Committee questioned why Syria had not ratified the 1951 Refugee Convention. The delegation stated that it had not ratified the Convention as it spoke about normalisation of more than the right of return and did not deal with Palestinian refugees. The delegation elaborated that Syria has a memorandum of understanding with the UNHCR due to the sensitivity of signing the Convention. The Committee questioned the situation for Kurds who are not registered as foreigners and asked about their access to health and education.

Sale of Children

The Committee stated that Syria was a destination country for the sale of women and children through temporary marriages and marriages of convenience. The delegation answered that they were not aware of any sale of children in Syria although the marriage with foreigners could be considered to come under that category. The Committee was concerned that this problem could no longer be ignored and stressed that the institution of marriage should be kept sacred. The Committee noted that the issue of early marriage was interlinked with the rise of the population and the fertility rate. The Committee asked what legal measures had been taken to protect child victims and to guarantee that they would not be criminalised for illegal migration and all other charges regarding the sale of children.

Trafficking of Children

The Committee commended the Syrian law of 2010 relating to the trafficking of persons but noted that the law did not define all the crimes as stipulated in OPSC. The Committee noted Syria had been depicted as a destination country for trafficking and referred to the recommendations made in 2006 in relation to trafficking. The Committee stated that the international legislation Syria had on trafficking of persons was not in conformity with the OPSC. The delegation was surprised that the Committee had information that suggested that Syria was a destination country for the trafficking of children and women. The delegation requested statistical data and evidence for this as they were not aware of the phenomenon. The delegation stated that the law focuses on children and women victims of trafficking and there were clear and specific provisions governing this. The Committee asked who had the competency to identify child victims of trafficking and how could this office gain competency and identify child victims. The delegation stated that to combat the problem of trafficking, centres and various institutions had been set up for the victims in Damascus and Delapol in 2009. The delegation explained that Syria would try to deal with the situation and continue to enhance its activities.

Abduction

The Committee noted that Syrian law favoured fathers when granting guardianship. The Committee was concerned that this led to many problems when a child travelled abroad as the father would need to authorise the travel. The delegation stated that the law of Syria obliged women to have authorisation from the father of the child, before travelling with that child. The delegation explained that society was reluctant to change the responsibility of custody between the father and mother. The Committee explained that in the case of mixed marriages between Syrian men and foreign women it could result in the kidnapping of children and the non-return to their place of residence. The Committee questioned if there were bilateral agreements with countries to put an end to this problem in the best interest of the child. The delegation hoped obstacles would be overcome to achieve this.

Corporal Punishment

The Committee asked which specific law addressed the ban on corporal punishment and how it had been defined. The delegation provided that they did not state there was a law on corporal punishment, they explained that there was an article in the Constitution in paragraph 3 of article 28 that no one can be tortured or be subject to ill treatment. This provision would be applied in cases concerning corporal punishment. The Committee noted that article 28 does not deal with corporal punishment as it refers to torture and inhuman and degrading, which was completely different.

The Committee noted that corporal punishment was prohibited in schools but there was no mention of a prohibition on corporal punishment in the family. The delegation stated that the penal code contained articles that increase the punishment if the perpetrator of violence against child was the father, mother or guardian. The Committee was concerned about the difference of understanding between the State and the Committee, with regards to corporal punishment. The Committee was concerned that it was contrary to international human rights conventions to tolerate corporal punishment by parents but not teachers and called for the amendment of the penal code and article 1/70 of the Personal Status Code. The Committee stated it was not just about implementing the provisions of the CRC but it should fall within criminal law in all institutions whether public or private. The delegation explained that Syrian society was composed largely of liberal-minded people but that some extremist groups were present, who had blocked changes that deviate from a paternalistic society. In the law on children that was being discussed by the government, the delegation noted that there was a provision to prohibit corporal punishment in all settings.

Child Labour

The Committee commended the ratification of the ILO Convention 138 but remained concerned about the situation on the ground. The Committee noted that many children were leaving school early to start work, especially in rural areas and that the Ministry of Education changed education timetables to allow children to work. The delegation answered that children under 15 were not allowed to work under Syrian legislation. The delegation explained that they must complete the whole cycle of primary education under the guidelines issued by the Ministry of Employment. The delegation explained that in some rural areas there were flexible timetables to allow children to work. The delegation clarified that flexible timing was for children who had to accompany their parents who work in agriculture. The

delegation explained that families moved so the government had allowed a flexible programme to ensure that the children do not miss their chance of schooling.

The Committee was concerned that there had been no inspection by the Ministry of Employment on children working as domestic workers, and that there was evidence that children working in households had been exploited. The delegation explained that Syrian law does not allow any child under 18 to enter a home to work as a domestic worker. The delegation explained that there were no migrant child domestic workers as migrant labour tended to be highly qualified individuals who work for insurance companies and banks. The Committee asked whether there were mechanisms to monitor the living and working conditions of domestic workers. The delegation provided that this would be monitored and complaints would be made if it happened. The delegation explained that there was no information on children working in households and whether they had been exploited. The Committee explained that if there was no information it meant the state lacked the mechanism to monitor the living conditions of these children. The delegation stated that they were not able to confirm that there were no domestic workers under 18. The Committee questioned whether there was a labour inspector to monitor children in the household. The delegation stated that the Ministry of Social Affairs had inspectors in relation to domestic work and there were no statistics to prove the phenomenon. The delegation explained there was a shortage of labour inspectors but resources had been given to appoint labour inspectors.

Deprivation of Liberty

The Committee was concerned that there had been arbitrary detention of children as young as seven years old during the recent protests. The Committee explained that there had been arrests of children and detainments along with adults and that there had been reports of torture and mutilation. The delegation stated that no children had been detained and that there were no detention sanctions, but that rehabilitation measures had been applied in accordance with Article 4. The delegation explained that children were not detained together with adults. The Committee asked what measures had been taken to protect detained children. The delegation explained that all the measures were taken for rehabilitation such as giving the child back to the parents, transferring the child to a special centre or to be holding the child under surveillance.

The Committee understood that law 74 applied only to juveniles under 15 years of age and that 15 to 18-year-olds were sanctioned under the penal code but with less severe sentences. The Committee asked whether a child between 15 and 18 years would be listened to and sentenced in a specialised trial for children. The delegation said the investigation would be before a specialised juvenile judge and if in relation to misdemeanours, the sentence would not be more than one year. The Committee asked where there were cases where this procedure had been carried out done and in what conditions. The delegation answered that detentions were carried out in a special centre for juveniles, not in prison with adults, in accordance with provisions of juvenile law.

The Committee questioned what measures had been taken to remedy the crisis. The delegation stated that there had been a number of laws to alleviate the crisis which had been sent in the report. The delegation explained that the laws were enacted quickly. The delegation stated that the complaints mechanism had allowed children to complain through parents and guardians. The Committee asked for plans for the release of children who remain in detention. The delegation stressed that no children had been arrested as the law does not

allow this. The delegation explained that arrests during demonstrations were due to lack of identification and the inability to verify the child's age. Once the age was verified they were released.

Torture and Inhuman and Degrading Treatment

The Committee requested information about the number of children who had been killed during the protests and the number of those detained with charges against them. The Committee asked what had been done to ensure that investigations on the torture of children were being carried out independently and what were the remedies. The Committee asked if there was an independent complaints mechanism. The Committee recalled the fact that there had been numerous reports from UN sources and international organisations on the question of killings of children, torture and their arbitrary detention. The Committee was deeply concerned that at least 10 named children had died as a result of torture and mutilation in prison.

Street Children

The Committee was concerned about the number of street children in Syria, a large number of who were reportedly beggars. The delegation stated that many children on the street were beggars as it was economically attractive and not because they do not have parents. The Committee questioned what was being done to identify the cause and reduce the number of children in this situation. The delegation explained they had not been able to overcome this problem but had a programme to eliminate forms of child labour and create specific measures to monitor the problem with the ILO and UNICEF.

Juvenile Justice

The Committee stated that the state party report did not provide if there was a specific court that took juvenile cases. The Committee noted that the state party had said the minimum age for criminal responsibility was 10 years and that in relation to children between 15 and 18 years there was a form of punishment that was more lenient than in the case of adults. The Committee noted that children who were victims and witnesses must be protected by the juvenile justice system. The Committee questioned the details in proceedings in alternative measures when children were perpetrators of minor offences. The Committee asked about how the State addressed impunity among law enforcement agents and mechanisms, as well as about the independence of the judiciary.

Concluding Remarks

The Country Rapporteurs thanked the delegation for providing answers to the questions with openness. They believed the dialogue had been a successful and constructive discussion, which would help in efforts to assist Syria to implement better strategies. They noted that Syria had taken positive steps in the field of legislation and at a political level, adding that there were areas which would require further effort on behalf of the authorities. There were contradictions in the direction taken by the government in terms of policies it had adopted through The National Commission for Family Affairs and direction taken by extreme currents which were impeding legislative reforms especially law on rights of the child. In spite of advanced achieved in including the reservation of Article 14 there remained a problem of an independent national institution for human rights. They advised that a National institution should be set up in accordance with Paris principles and be mandated into child issues such as

the situation of the family and children born out of wedlock. They noted steps are needed to be taken to allow Syrian mothers to transmit nationality to their children in addition to other matters in relation to child labour, situation of juvenile delinquents as well as all concluding observations we made in 2007 for the Optional Protocols. They hoped that the situation in the Syrian Arab Republic would be overcome and that the children of Syria would be properly protected. They thanked the delegation as a whole and wished them a safe trip back to Syria, sending greetings to the children of Syria and would continue to monitor situation closely with a great deal of attention.

The delegation thanked the Committee for their objectivity and they had raised many points which Syria was keen to improve. The delegation welcomed all the comments and stated they had found the expertise and advice very useful. The delegation hoped that the Committee would preserve credibility and reputation by relying on reliable sources when it receives information and not base observations on false and fabricated information. The delegation reiterated the names of children listed as children who died under torture did not die under torture but were caught in cross fire and died accidentally. The delegation explained they wanted the same for the Syrian children but there were weaknesses and expertise required which they did not have.