



ngo group for the crc

**STATE PARTY EXAMINATION OF SYRIAN ARAB REPUBLIC'S
INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE
SALE OF CHILDREN, CHILD PROSTITUTION AND
CHILD PORNOGRAPHY**

**46TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE
CHILD**

17 September - 5 October 2007

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The Syrian Arab Republic acceded to the OPSC on 15 May 2003. On 19 September 2006, the Committee on the Rights of the Child (the Committee) examined Syria's Initial Report on the OPSC.

Opening Comments

The Head of Delegation and Chief of the Syrian Commission for Family Affairs (SCFA), Ms. Ghanem, described how the application and follow-up of the OPSC was being carried by competent ministries and institutions of civil society. The measures taken and planned included the review of the penal code, family law, and constitution of Syria, the imposition of aggravated penalties for crimes listed in the OPSC, and the granting of full medical care to victims. In terms of monitoring, the issue of child protection was raised at national level in 2003. The SCFA submitted a draft plan for the protection of children from abuse, a framework to implement both the CRC and OPSC backed by a budget of one million US dollars. At the time of meeting, this first draft on child protection was ready to be discussed. The SCFA formed a committee to follow up on the implementation of this national plan. Other measures included two centres for delinquent girls, the creation of a gender-sensitive database for child protection, and the integration of children's rights

education in the school curricula. Several national campaigns promoting children's rights were conducted and planned. Agencies concerned with the implementation of the Committee's previous recommendations were notified of measures to take and workshops would be held to interpret them. The first national strategy for early childhood was developed in cooperation with civil society. The Prime Minister approved the formation of a national task force, which proposed a draft law on trafficking and sexual exploitation. Syria acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the CAT, the CEDAW, and the two OPs of the CRC. Ms. Ghanem concluded on the challenges facing Syria, namely the scarcity of national capacities, the lack of expertise, as well as political tensions and armed conflict in the Middle East.

The country rapporteur, M. Pollar, said that as a national of another country part of the Organisation of Islamic Countries, he was glad to be discussing with a country that respected the values covered by the OPSC. Though Syria had come a long way, the Committee would always ask it to do better.

National legislation and institutions

The Committee was concerned about the precedence of international law in general, and the CRC in particular, over domestic law. It asked why this principle was not established, and whether there was any jurisprudence that was helpful in setting this status. The delegation answered that in the case of a conflict between a specific domestic legal text and an international instrument, it was more likely and preferable for international law to have precedence. This was stipulated by Syrian law. However these provisions were neither in the constitution nor in Syrian jurisprudence. There were no specific provisions harmonising the content of the OPSC with national law. The Committee therefore asked whether the newly established national commission would address this issue. It also asked about this body's funding. The Committee's previous recommendations had deplored the lack of a coordination body between relevant ministries in Syria, which was why the SCFA was established, with sufficient human and financial resources. It reported to the office of the Prime Minister, drew up national strategies and followed their implementation. The delegation pointed out that though the SCFA was only two years old, the committee it set up had broken a taboo in its report on the suffering of women and children. It said that changing mentalities was the first step to improve the dialogue. The Committee asked whether this committee's mandate was broad enough to cover all laws dealing with children as seen by the OPSC. It also asked for the name of the committee. Ms. Ghanem in her opening statement had mentioned collaboration with institutions of civil society concerned with the implementation of the CRC. These agencies were asked by the government to submit yearly reports on this implementation. The Committee enquired whether it could receive these reports of civil society. Ms. Ghanem replied that they were included in the files of the SCFA but was not clear about passing them on to the Committee.

The child in legal proceedings

The Committee asked if the status of a child was regulated by the law on juvenile justice or by the criminal code for adults. The delegation replied that juvenile justice was developing in Syria, and that there would be a law amending the current law in conformity with the CRC. The Committee asked if legal representation was provided free of charge, and if this function could be carried out by someone other than a lawyer. The delegation responded that juveniles could not appear in court without a parent or defence lawyer, who was hired for the juvenile by the court if the child could not do so. When asked about the use of capital punishment as a sanction for child offenders, the delegation replied that lighter treatment was reserved for children, including rehabilitation measures instead of penal sanctions.

Under Syrian law, children under 18 could not bear witness. This was in contradiction of article 12 of the CRC, according to which a child must be heard in a case that concerned him. The delegation said that juvenile justice was evolving but did not make any further comments on this subject. The Committee enquired if the testimony of a child who was an eyewitness was fully taken into account.

The delegation replied that the court listened to the child but that his testimony was not considered in the same way as an adult's testimony. The Committee was concerned about the number of times a child could appear in court. It asked if there were possibilities of using video recording to minimise the stress suffered by the child or of setting a maximum number of appearances. On the other hand, it also mentioned article 16 of the CRC protecting the right to privacy. It asked under what conditions photographs of a child were disseminated. The delegation answered that there were no provisions for recording the child, and that no pictures of neither the victims nor the perpetrators were published. If they were, it was said to happen a long time after the case, usually within the witness protection programme and pending the judges' decision. The Committee also asked about the training of judges and other officials dealing with children. The delegation replied that UNICEF had a project to train members of the judiciary to help them apply the CRC, and that police officers would be trained in 2006.

The child as a victim

The Committee was concerned about a victim's rights to compensation for damages. The delegation replied that this was a court decision, as compensation was not compulsory. If the perpetrator could not pay, the funds would be sought from his extended family, but the court was not compelled to pay it if the perpetrator was unable to do so or was unknown. The Committee asked if rehabilitation, social and psychological services were available to victims. The delegation replied that if the child was interviewed, psychological support was offered. The Committee commented on the insufficiency of two centres to assist child victims, and asked about plans to expand. It also asked about the functioning of these centres, as there was information that they were more 'correction' centres than 'rehabilitation' ones. The delegation did not elaborate on these centres, but mentioned that a centre would be set up to care for child victims under the Ministry for Family Affairs.

Participation

The Committee praised the plan to train officials dealing with children, but noted that the child seemed absent from these efforts. It asked about the child's right to participate. The delegation answered that a priority was to disseminate the CRC among children, and described the outcome booklet of a campaign that was conducted in schools called "Where are my rights?". It mentioned a children's parliament set up in a remote area of the country (the North-East), which was an initiative to teach children to express themselves.

Prostitution

The Committee asked to what extent the State's Poverty Reduction Strategy included issues relating to the sale and prostitution of children. The Committee enquired about available results of research done on the extent of child prostitution. The delegation answered that the issue was taboo until recently. There was unorganised data at the Ministry of Interior. Ms. Ghanem mentioned the establishment of a gender-sensitive child data unit within the national statistics bureau. She emphasised Syria's political commitment but invoked its dearth of national capacities, and hoped that Syria could benefit from the expertise of specialised UN agencies and of NGOs such as Save the Children, to draw up appropriate policies.

Exploitation

The Committee noted that often, exploited children were victims of networks, in which their parents participated. These children often came from abroad; prevention policies were said to be especially important. The Chairperson asked about the follow-up planned by Arab states to the Plan of Action emanating from a conference held in Yokohama on this issue. M. Pollar enquired about the issue of domestic servants, and about measures taken to protect them. The Committee wanted to know whether these girls were registered or accounted for in any way. Ms. Ghanem replied that the phenomenon of 'Asian maids' was new, and due to the difficulty of finding local domestic workers.

In response to many cases of abuse and mistreatment of these girls, a bill was drafted granting them rights and proper treatment. Once the law passed, the bill would be submitted to the Committee. The delegation assured it wanted to prevent this phenomenon from developing, and that registration with the Ministries of Interior and Labour were important.

Trafficking

The Committee requested information about bilateral agreements with source countries to attempt to prevent human trafficking, and whether they included protection measures for victims. Iraqis were particularly concerned. The delegation said that there were no agreements, though they were being discussed. The Ministry of Interior was said to conduct a close monitoring of prostitution and its spread through the internet. Measures were taken at the borders with Iraq and Lebanon. The delegation added that Syria was a transit country, and therefore the problem was not endemic. It said the Ministry of Interior held a symposium on the topic, a committee was established and drafted a bill, which was to be referred to Parliament for approval. The delegation said the bill would be sent to the Committee once ratified by the Council of Ministers. The Committee also asked whether the victims of trafficking were expelled from Syria if they did not possess proper documentation to be in Syria legally. The delegation responded that when Syria deported people, the first concern was to guarantee that the person was not subject to cruel treatment.

Prevention and reporting

The Committee noted that non-specific prevention could have the media as either an ally or an obstacle. It wanted to know about policies established to favour a constructive approach by the media to topics covered by the CRC and OPSC. It also asked about strong internet supervision, and other measures taken to protect children. The delegation described various campaigns conducted in cooperation with the media. These included cartoon spots produced on the rights of children aired on national and international channels, street campaigns against violence at school, television series promoting the precedence of international law over national laws, and so on. The paediatric society of Syria was said to be very active, so the Committee asked whether the government was cooperating with it. The delegation said it worked with a child psychiatrists society. The Committee enquired about initiatives to make systematic progressive reforms in the content of school curricula to include information on the CRC and OPSC. The delegation responded that the reform of school curricula was done in programmes as far as high school, in coordination with UNICEF. The reform included the distribution of a manual helping parents explain the CRC to children.

The Committee and delegation agreed that for cultural reasons, there was a lack of information due to strong reluctance to report on topics covered by the OPSC. The Committee asked whether child victims, educators and health professionals benefited from means to act 'upstream' and report cases of suspected or real abuse against children. The delegation did not mention any measures taken to improve reporting.

Penalties for crimes covered by the OPSC

The Committee noted that for crimes of child pornography and prostitution, the penalties and pecuniary fines imposed by Syrian law seemed very low by international standards. Article 3.3 of the OPSC states that each State party should make these crimes punishable by 'appropriate penalties'. The delegation noted that the legislation was forty years old, and that it was being reviewed to check its conformity with international law by various Ministries. The Committee asked about the extradition of offenders, which tended to be left out of the courtroom, as the OPSC allowed State Parties to establish jurisdiction over crimes included in the Protocol. The delegation did not respond to the issue of extradition. The Committee also asked about the age limits set by Syrian law for crimes covered by the OPSC, which was 15 years for sexual relations and 16 years for prostitution. The State replied that sexual harassment and rape were criminalised; however, sexual acts with a child over 15 years were not considered a crime if consensual.

Street children

The Committee expressed concern about street children, who were easy prey to commercial sexual exploitation and had little opportunities to report violations. It asked about measures taken to protect and educate them. The delegation replied that these were children who sold trinkets in the street, and that the phenomenon was linked to poverty. Ms. Ghanem said there were no current precautionary measures, nor available data on this matter.

Adoption

The Committee was concerned with the situation of children deprived of parental care. Reservations made to articles 20 and 21 of the CRC relating to adoption were withdrawn. The delegation hoped that the reservation made to article 3 of the OPSC would be lifted, and that Kafala adoption would be encouraged. It mentioned an institution which cared for orphans and foundlings, Rainbow, which had set up centres, houses, and SOS villages providing foster care, both in urban and rural areas. A letter from the Mufti, considered very progressive, clarified the position of Islam on adoption: the child was adopted by the adoptive family but was not given its name. He had the right to inherit one-fifth of the adoptive parents' legacy. When asked whether this inheritance was prescribed by law, the delegation answered that as yet the Mufti's recommendations were not incorporated into domestic law and adopted children did not inherit. The Committee asked whether these recommendations included protective measures for adopted children against the family's biological children, who could denounce the adopted child's right to inherit according to Islamic Sharia. The delegation repeated that this was simply a recommendation and not a law; mentalities had to be changed and this could not happen overnight. Ms. Ghanem declared Syria ready to encourage adoption, while preserving the child's religious background. The Committee wondered if the word 'founding' in Arabic could be changed to the word 'orphan', since it did not have the same negative connotation. She responded that a civil society institution had taken this initiative.

'Pleasures marriages'

The Committee placed particular emphasis on the issue of so-called 'pleasures marriages', or 'temporary marriages'. However, there was some confusion between early marriages and 'pleasure marriages' in the delegation's answers. Ms. Ghanem explained that these were more prevalent among Shi'a Muslims and therefore uncommon in Syria before the arrival of Iranian and Saudi immigrants. 'Pleasure marriages' consisted of signing a marriage contract in the office of the local religious authority. These were legal, but had to be registered as civil marriages. The Committee asked about the children that might result from these unions. According to the law, minors were not allowed to marry. But if the girl became pregnant, the marriage could be registered for the child to be born in wedlock. The Committee was concerned about the child's legal status, and asked whether in a situation of conflict it was possible to go to court if the father refused to recognise the child. The delegation replied that if there was a contract, two witnesses and a parent or guardian of the mother, the issue could be brought to court. Ms. Ghanem said that the priority in these cases was to certify this religious marriage at the civil level to preserve the child's best interest. It was unclear whether the state provided any assistance to the mother if the father refused to pay alimony. The delegation said this required further study as there was no available data on the issue, which was directly linked to poverty.

Honour killings

The Committee asked about steps taken to raise awareness about this issue, including to members of the Parliament and government. Ms. Ghanem agreed that it was a serious matter. She said this tribal habit was prevalent in certain regions, and related to the status of women in certain communities. The State party tried to ensure equality in law: steps were taken to review the law on civil status and to generally ensure non-discrimination against women. The government was attempting to withdraw reservations made to the CEDAW. This was being examined by various ministries. A national

campaign was initiated against honour killings. It involved the clergy and the Mufti, which presented a petition to outlaw honour killings.

Closing remarks

M. Pollar thanked the delegation, and mentioned a few issues that had not been sufficiently elucidated, namely 'pleasures marriages', street children, and the status of international law.

Ms. Ghanem thanked the Committee, and said that human and children's rights were hard to implement, as they were closely related to culture. She assured the Committee of Syria's political will to make progress in this area in spite of the numerous obstacles.