

Country session: Syrian Arab Republic
Date of session: 15th and 16th January 2019

Background information

[OHCHR press release](#)

Webcast: [First part](#) and [second part](#)

Audio file: (pending)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	-

CRC	
No. of report	5 th
Due date	13 th August 2015
Submission	10 th July 2017

Written replies	
Due date	<u>12th October 2018</u>
Submission	<u>19th October 2018</u>

Public reports from children's rights defenders

Alternative reports	
NGOs	<ul style="list-style-type: none"> • Human Rights Watch • Child Soldier International • Global initiative to End all Corporal Punishment of Children • All survivors Project Foundation • Institute on Statelessness and Inclusion
NHRIs	-

State delegation

The delegation was headed by Hussam Edin Aala, Permanent Representative of Syria to the United Nations Office at Geneva and supported by representatives of the Syrian Commission of Family Affairs and Population, Ministry of Justice, Ministry of Interior, and the Permanent Mission of Syria to the United Nations Office at Geneva.

Committee's Task Force members

Name & Last Name	Country
Benyam Dawit Mezmur (Coordinator)	Ethiopia
Amal Salman Aldoseri	Bahrain
Hynd Ayoubi Idrissi	Morocco
Cephas Lumina	Zambia
Velina Todorova	Bulgaria

Dialogue description

i. Character of the dialogue

The atmosphere of the dialogue was interactive but tense, following a political and technical discussion between the Committee and the delegation, on the topic of religion and the law. There was also some tension relating to mentions of accountability and responsibility for attacks.

ii. General assessment made by the Committee

The Committee recognised that the crisis Syria has faced since 2011 has made fulfilling its international obligations a challenge, but noted that this does not waive the State party's responsibility towards children, and that this responsibility was the focus of the dialogue. Furthermore they noted that several questions from the LOI and from the last COBs remain unanswered.

iii. Main issues discussed:

- General Measures of Implementation:** The Committee asked the State if they were foreseeing to withdraw their reservation on article 14, concerning the freedom to religion, belief and opinion. The State party responded that the family environment is of great importance in Syrian society and is in the best interest of the child. Furthermore they noted that the constitution affirms the cultural diversity of the country. The Committee raised concern that the State's legislation is not well coordinated with the CRC and asked what efforts were made to bring them into accordance. Furthermore, they inquired after a timeframe to adopt the bill of the rights of children, under consideration since 2006. The Committee inquired after the coordination body's responsibilities in terms of coordinating between different sectors relating to the implementation of the CRC, whether there is a comprehensive plan for children in all field provided for in the CRC and if there are efforts to raise awareness of the CRC. The State party responded that the bill is based on the CRC and that a National Commission for the right of children was going to be established to recommend policy and legislation and handle complaints.

The Committee asked about the budgetary allocations for children, and whether the impact of the conflict had been taken into account in budgetary considerations. Concern about the issue of corruption was also raised. The Committee also raised the issue of data collection, asking when the data collection unit would be fully functional. The State party responded that the budget allocations for children could not be clearly tracked and that a reconstruction plan was in place with 12 teams working in different areas. They also outlined a data collection system which will be used to analyse and take more efficient measures.

The Committee asked the State party if there was an independent unit, in line with the Paris Principles, to receive complaints, how many had been received and if action was taken against perpetrators. The State party responded that the independent body that receives complaints takes no legal action but rather refers the case to the competent authorities.
- Definition of the Child:** The Committee asked the State what efforts were being made to prohibit and prevent child marriage, in particular in sharia-based courts, as the law currently allows girls to marry at 17. They requested clarification on its legal status and asked if statistics on the issue were available. They encouraged the State to harmonise their legal definition of a child with that of the CRC. The State party responded that

different terms such as 'minor' and 'juvenile' had been used to refer to children, and that in the new children's bill all definitions would be harmonised and the bill will apply to all. They clarified that the law is currently being amended to raise the age of marriage to 18, and that child marriages only happened in rare exceptions, upon authorisation of the court.

- **Best Interest of the Child:** As the State report highlights the new child rights bill, the Committee asked the State if the best interest of the child is integrated. Furthermore they asked to what extent this principle is prioritised in military action. The State party responded that the best interest of the child principle was enshrined in the bill and was an obligation for all governmental decision-making entities.
- **Non-discrimination principle:** The Committee expressed concern about legislative gaps that enable discrimination in a variety of realms including inheritance rights and parental recognition. The State replied that discrimination was not allowed for in the penal code, that there is no discrimination in the penalties for crimes committed against children and that an article on non-discrimination is included in the children's bill.
- **Right to life, survival and development:** The Committee asked the State party what was being done to secure children's right to life, survival and development, in light of the strikingly high number of child deaths and injury – more than half of which were caused by government attacks – reports of besiegement where water access was cut off and the systematic denial of aid. They asked how the State was reconciling its actions with its obligations and what efforts are taken to investigate and prosecute such attacks. The State party responded that they are fully committed to the principles of international humanitarian law. Furthermore, the Committee noted the low standards of living and asked if the government is investing in the social welfare system to ensure children living in poverty are supported without discrimination or hindrance. The State party noted social development as a high priority in its development plan.
- **Birth registration:** The Committee noted the efforts made but highlighted that they remain deeply concerned that many children remain unregistered, especially those in certain family circumstances such as those with non-Muslim parents or foreign fathers. They flagged the fines for late registration and asked what measures are being taken to ensure registration of children born out of wedlock and IDPs. The State party said that birth registration and civil status are a main challenge facing the country due to offices being out of functioning in light of the conflict. They explained that fines were applicable after one year, but that it was only symbolic and that a draft law would waive this fine. Furthermore, civil registry offices had been re-established in certain provinces and Syrians are allowed to register at any of the offices. Registration is mandatory, including for those born out of wedlock. Measure are also in place to ensure births outside of the country are registered.
- **Civil rights and Freedoms:** The Committee raised the long-standing issue of nationality and noted that there had been no changes to the law which differentiates mother/father rights to transfer nationality to their children. The State party responded that a draft bill giving nationality to children born to foreign fathers had been delayed by the conflict, but was now being reintroduced and that furthermore the right to nationality was ensured by the new children's bill. They said there are no stateless people in Syria according to national statistics. The Committee highlighted the failure to recognise the right to freedom of religion and the limited access to information for children. Does the bill on children's rights ensure right to assembly and right to freedom of expression, they asked. They expressed concern that CSOs face harassment from the State. The State party responded that the rights to assembly, access to information and freedom of expression were all provided for in various laws and bills. They also clarified that licences awarded to CSOs cannot be withdrawn.
- **Family environment and alternative care:** The Committee asked how the different legal systems within the country guarantee non-discrimination of children from different family backgrounds. They asked about gender parity in family laws and issues of guardianship, particularly after divorce. The Committee asked about family reunification and support following on from the conflict and the issue of post-conflict alternative care. The State party responded that the draft bill on children's rights provides for alternative care and that a further bill specifically on this matter was being developed. They also explained the multi-step model for family reunification that was being implemented in liberated areas.
- **Children with disabilities:** The Committee noted the State's efforts and commitment to children with disabilities. They asked what support is available to families and if different disabilities and needs are taken into consideration, in education and health services (particularly relating to injuries sustained during the conflict).

- Ill-treatment and violence against children:** The Committee expressed concern about allegations of ill-treatment of children in detention, including sexual violence, torture and death. They noted with concern the judicial impunity of members of security bodies, asked if this is to be repealed, and if impartial investigations are being conducted. The Committee asked what measures are in place to combat violence against children, prosecute perpetrators and rehabilitate victims. The State party responded that there are social workers that provide psychological care for children victims of violence.

The Committee further noted with concern the prevalence of gender-based violence. The Committee also asked if corporal punishment is explicitly prohibited and if awareness raising campaigns are conducted. The State party responded that corporal punishment is prohibited in schools and that perpetrators are prosecuted. The State party replied that protection from violence is included in the new children's bill, in particular domestic violence. The State party outlined the Protection Unit, run by an NGO, which provides free of charge protection from violence for women and children.
- Juvenile justice:** The Committee expressed concern that the age of criminal responsibility is low, at 10, and asked if there are alternative measures to sentences and restorative justice in place. Their particular concern was for how children in conflict with the law were treated during the war. The State party responded that there are three different age categories with corresponding corrective or punitive measures: 0-10, 10-15 and 15-18. Only those who are 15 or older are criminally responsible and all cases are with special juvenile judges.
- Health services and mental health:** The Committee strongly emphasised the dire mental health of children affected by the conflict and asked if national guidelines and measures were in place to ensure psycho-social support. They asked what steps are in place to prevent outbreaks, as well as attacks against medical facilities and to investigate such attacks. They highlighted the lack of care for mothers and new-borns and noted the need to allocate resources to the reconstruction of health services. The State party responded that the right to health is included in the new children's bill. The State outlined various health campaigns, such as against polio, and noted a plan and allocated budget for the reconstruction of damaged health infrastructures.
- Education:** The Committee noted with deep concern the impact of the conflict on education including damaged facilities and attacks on schools, which caused child, parent and staff victims. The State party was asked what they are doing to guarantee access to education for each and every child and what measures have been adopted to prevent, investigate and sanction attacks on schools. Furthermore, the Committee asked what education is available for displaced children and children living in zones controlled by non-State armed groups, including education on human rights. The State party outlined various measures including a follow-up system for children living in areas outside of government control, intensive courses for children who missed out on their education, the transmission of the curriculum via the internet to enable students to take exams, and education and certificates for adults who missed out on large portions of their education.
- Children and the business sector:** The Committee noted a lack of information on this topic in the report and asked if there was a specific mechanism to monitor activities of the business sector to ensure that there are no adverse impact on children, and if so to mitigate them.
- OPAC:** The involvement of children in armed conflict was of great concern to the Committee and they asked the State what was being done to prevent their recruitment and rehabilitate and reintegrate these children, as well as holding perpetrators accountable. They asked if the children were treated as victims or perpetrators and noted with concern the deprivation of liberty of children involved in non-State armed groups. The State party denied that any children are involved in the Syrian army, as they noted that the age of service is 18. They further explained that in the new children's bill, the responsibility for rehabilitation of these victims – as they are seen as such – lies with the state. They said there is rehabilitation and reintegration support for them.
- OPSC:** The Committee asked the State what concrete measures are being taken to address and prevent child trafficking, and hold perpetrators accountable. The State party responded that a law was passed in 2010 to combat trafficking and sexual exploitation and that a specialised national committee was created to implement this law. Such children are considered victims and provided with support.

Recommendations of the Committee

In its Concluding Observations, the Committee drew attention to the need of urgent measures concerning the following six areas:

- **The right to life, survival and development:** The Committee urges the State party to respect the principles of legality, distinction and proportionality when carrying out military operations and refrain from unlawful conduct. They urge all precautions to be taken to protect children from the effects of hostilities, including assessing the threats posed by explosive hazards. They urge the State to undertake measures to attend to the psychological needs of children affected by the attacks and to release all children in detention due to the conflict, treating them as victims. They raise concern about violations against children in the context of the conflict and press the State party to such allegations are investigated in a transparent, timely and independent manner. The Committee highlights the girls held captive by armed groups and urges them to be returned and provided with care and treatment. They press for children and families to be protected and to have access to basic humanitarian assistance. Finally, they ask for the State to cooperate fully with international investigation units and for perpetrators in the conflict to be investigated and prosecuted under domestic and international law.
- **Birth registration and nationality:** The Committee is deeply concerned about the lack of birth registration and certificates of displaced and isolated populations, caused by the conflict. They highlight the fines for late registration and the negative consequences thereof on children's rights. They remain concerned about Syrian women being unable to transfer their nationality to their children and the risk of increased statelessness. They note the lack of information from the State on and urge the State to take action on obstacles to register births faced by children born out of wedlock, born to non-Muslim fathers and born as a result of sexual violence.
- **Torture and ill-treatment:** The Committee compels the State to take urgent measures to treat children in detention in relation to the conflict as victims and to not expose them to mistreatment. They push the State to transfer detained children to an appropriate civilian child protection mechanism and to only detain children as a measure of last resort. The Committee urges the State to remove immunity and to investigate allegations of ill-treatment of children in an independent and transparent manner in order to bring justice to victims. Finally they press the State to cooperate with the UN and the ICRC and grant them access to places of detention of children.
- **Mental health:** The Committee pushes the State to provide mental health services to children in schools, without discrimination, and to increase the numbers of health workers trained to use the WHO Mental Health Global Action Programme Intervention Guide, focusing on children. They highlight the need to prioritise therapy over medication and to continue cooperation with WHO and other such entities. They push the State to enable access to mental health services to children in areas outside of the State's control.
- **Education:** The Committee express concern about the quality of education, the inadequate number of teachers and lacking infrastructure – on all these issues they urge action. They insist that all attacks on schools be ceased immediately and to ensure that all parties respect schools as protected objects, as per international law, and are sanctioned if this is breached. They push for the State to tack action to remedy harm caused to children by attacks on schools. They emphasise the need to ensure continued access to education, including measures to retain students in school and reintegrate those who have missed years of schooling. They encourage the State to take measures for children living in areas controlled by non-State groups and children living under Kurdish authorities, to ensure they access education and receive accreditation.
- **Children in armed conflict:** The Committee urges the State to take urgent measures to prevent and adequately sanction children being victims of attacks and breaches of international law. They express concern about the involvement of children in armed conflict and push the State to prevent, investigate and prosecute cases of recruitment, as well as developing a national strategy for rehabilitation and reintegration of children involved in the armed conflict. They push for the State to recognise children recruited by armed groups as victims and not for them to be detained but rather referred to care services. The Committee urges the State to take prompt measures to prevent the abduction of children by armed groups and ensure their release. With regards to explosive devises, the Committee urges measures to remove explosive devices, to raise awareness of the risk of mines and provide specialised support for children victims of explosions. They



highlight the need to liaise with the Kurdish authorities to conduct individual analysis of the situation of children born to non-Syrian mothers to determine the most appropriate support. Finally they ask they State to regularly make public the work carried out by the National-Regional Committee for the follow-up of Children's Rights in the Context of the Crisis in Syria.

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 3.7 on ensuring universal access to sexual and reproductive health-care services;
- 5.2 on eliminating all forms of violence against all women and girls;
- 16.2 on ending all forms of violence against children;
- 16.9 on providing legal identity for all, including birth registration.

Next State report

CRC	
No. of report	6 th & 7 th
Due date	13 th February 2024

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