



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 8, PARAGRAPH 1 OF THE OPTIONAL
PROTOCOL TO THE CONVENTION ON THE RIGHTS
OF THE CHILD ON THE INVOLVEMENT OF CHILDREN
IN ARMED CONFLICT**

Initial reports of States parties due in 2005

SYRIA*

[Original: Arabic]

[20 October 2006]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

* Annexes can be consulted in the files of the Secretariat.

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Introduction

1. On 25 May 2000, the United Nations General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Protocol supplements the Convention and is designed to strengthen protection for children in armed conflicts.

Since children are at the forefront of its concerns, Syria acceded to the Protocol pursuant to Decree No. 379 of 26 October and ratified it pursuant to Decree No. 53 of 21 December 2002, the date when the Protocol entered into force.

2. The Syrian Government has the honour to submit to the Committee on the Rights of the Child the report of the Syrian Arab Republic prepared in accordance with article 8 (1) of the Protocol.

3. The report explains the legal, administrative and judicial aspects, in Syria, of the rights embodied in the Protocol.

4. As for the contents of the report and the type, and method of presentation, of the information set forth herein, the detailed presentation on the provisions of the Protocol complies with the Committee's guidelines on the preparation of State party reports to be submitted by official institutions in accordance with the Protocol.

5. However, special note should be taken of the fact that not all Syrian children enjoy the services and benefits offered by the Syrian Government, since some of them are living under Israeli occupation.

6. Foreign occupation is a gross violation of the substance of human rights law, since it creates a situation in occupied territories where access to human development resources and norms, including children's rights, is reduced to the very minimum. Moreover, daily acts of aggression carried out by the occupation forces go unrecorded, owing to the difficulty of obtaining proper information about infringements of children's rights in occupied territories.

7. The committee investigating Israeli practices in the occupied territories has been unable to gain access to the territories; thus, there has been no mention of, or reports on, human rights violations due to the harsh conditions imposed by the forces of occupation.

8. The Syrian Arab Republic has embraced peace as a strategic objective, as Dr. Bashar al-Assad, President of the Republic, pointed out in the address that he gave before the People's Assembly after taking the constitutional oath. He said: "We therefore confirm our desire for peace, but we are not willing to relinquish our territory or to accept the infringement of our sovereignty."

9. The Syrian Government, notwithstanding the limited resources and financial means at its disposal, has made tireless efforts over the past decade to disseminate information about children's rights with a view to creating a climate conducive to children's welfare and happiness.

10. The Syrian Government has facilitated the participation of non-governmental organizations, the private sector and local communities in projects to improve basic facilities for children in social, educational and leisure institutions.

Part I. General information

Overview of the Syrian Arab Republic

The Syrian Arab Republic is situated on the eastern coast of the Mediterranean and is bounded by Turkey to the north, Iraq to the east, Jordan and Palestine to the south, and Lebanon and the Mediterranean to the west.

It has an area of 185,000 square kilometres.

The Syrian Arab Republic has a population of 17.9 million (8,781,000 females and 9,199,000 males).

Children under the age of 14 years account for 39.6 per cent of the total population (7,119,000 children, comprising 3,674,000 males and 3,445,000 females).

Adolescents between the ages of 15 and 19 years accounted for 12.9 per cent of the total population in mid-2004 (2,325,000 children, comprising 1,226,000 males and 1,099,000 females).

1. Definition of the child under the Syrian Juveniles Act

According to article 1 of the Syrian Juveniles Act of 1974, a child is any male or female below 18 years of age. The definition of the child contained in article 1 of the Convention is consistent with that set out in the Syrian Constitution (art. 54) and prevailing laws, including the Civil Code (art. 64) and the Personal Status Code (art. 162) (see annex 1).

2. Definitions derived from the draft Military Law No. 115 of 1953

- Military service: this is a national obligation of every Syrian of legal age. Legal age begins on the first day of January of the year when the recruit has reached 19 years of age. In times of war or emergency, legal age begins on the first day of January following the date on which the recruit reaches 18 years of age.
- The draft Military Law makes no mention of women's participation in military service.

3. Applicability of the Protocol in Syria

Syria's commitment to human rights, to a just and comprehensive peace in the region, to the Millennium Development Goals, and to the fundamental reform plan envisaged in the fifteenth plan is a fundamental strategic goal of its domestic and foreign policies. Hence, Syria does everything in its power to promote children's interests and provide children with the best possible protection, in law and in practice, since children are among the weakest members of society.

As for the incorporation of the provisions of the Protocol into domestic laws, all international instruments which the Syrian Government signs, including the Protocol, are considered part of domestic law from the moment that they enter into force in Syria. Therefore,

there is no need to enact a special law to incorporate such an instrument into domestic law. Since Syria made no reservations to the Protocol, laws relating to the protection of children are applicable without any conditions.

The rights set forth in an international convention can be invoked from the date on which the instrument enters into force in Syria, to the extent that the relevant clauses can be implemented directly. These clauses are directly applicable if, according to their general context and in light of the purpose and subject of the Protocol, they carry no conditions and are sufficiently precise to permit their unconditional application in a particular case and form a basis for decision-making. Moreover, the authorities responsible for implementing the Protocol can decide if a specific clause of the Protocol is applicable in a specific circumstance.

4. Implementation of the Protocol in accordance with the general principles enshrined in the Convention on the Rights of the Child

The principles of personal freedom, dignity, equality before the law and non-discrimination are separate constitutional rights that are safeguarded, *inter alia*, in article 25 of the Syrian Constitution. This means that everyone must be dealt with according to the same laws.

Best interests of the child (Convention, art. 3)

The best interests of the child are among the guiding principles of the Syrian Constitution. Article 44 of the Constitution protects children and young persons by establishing fundamental rights and social objectives. On the legislative front, children's basic interests are taken into account in numerous laws, including the Syrian Criminal Code, the Civil Code and the Personal Status Code.

The best interests of the child are the primary criterion applied by the juvenile courts, insofar as juvenile courts take account of children's best interests when imposing reform and welfare measures on them. Any such measures must be designed for the reform and social integration of the minor concerned. If a minor's offending is due to negligence on the part of the family or the legal guardian, guardianship will be withdrawn from them and penalties imposed.

Right to life, survival and development (art. 6)

The State guarantees all children without distinction the right to life, survival and development in accordance with the conditions laid down by the Syrian Constitution (art. 44), concerning the welfare of children and the creation of conditions conducive to the development of their talents.

The child's right to development is safeguarded both at the national level, in several provisions of the Constitution, the Civil Code and the Criminal Code, and at the international level, particularly by article 24 of the International Covenant on Civil and Political Rights.

Respect for children's views (art. 12)

Freedom of opinion includes freedom of expression of opinion. This right is enjoyed by all natural and legal persons, whether minors or adults. Children capable of forming their own opinions can take part in legal proceedings.

All children have an opportunity to express their views at all levels, in the classroom, at parent-teacher meetings and in all school meetings, including those organized by popular organizations (the Baath Vanguard Group and the Revolutionary Youth Federation). Their views are taken into account whenever changes are made to programmes and regulatory measures. Managers and experts who work with children, including teachers and educational advisers, are trained to communicate basic information to children in a way that is tailored to their educational level. They are also trained to listen to, and respect, the views of children and others. Government bodies and voluntary and popular organizations have run numerous training courses, drawing on the resources available to each organization. In addition, several steps are being taken to educate families and the general public about the need to encourage children to express their views.

The Syrian Commission for Family Affairs, in cooperation with the United Nations Children's Fund (UNICEF), ran five workshops in five governorates in 2006 to teach children about the Convention on the Rights of the Child and the mechanisms for parliamentary nominations and elections, in preparation for the establishment of a children's parliament in Syria in 2007. The Commission, in cooperation with UNICEF and the education and culture ministries, organized five workshops in seven governorates to disseminate information about the Convention and the Optional Protocols and to teach children how to express their rights in pictorial form. As a result of these workshops, 154 pictures were produced and exhibited in 13 governorates of Syria. In addition, the Commission designed a poster on violence against children (attached), which was distributed on the occasion of Arab Child Day on 1 October 2005. We continue to distribute the poster at all events organized by the Commission. The Syrian Commission for Family Affairs also launched two children's drawing and storytelling competitions on violence, particularly in schools. The drawings and stories were printed in two booklets that were distributed to all institutions concerned with children's issues.

The Commission's work on children's issues focused on the formulation of a national plan, with the participation of all national institutions that deal with children (governmental and civil), to protect children against violence. It is important to note that this plan was adopted in the presence of the President of the Republic at a meeting of the Syrian Government held on 2 October 2005. Its implementation began in early 2006.

The Commission celebrated International Children's Day on 25 June 2006, in collaboration with the Rainbow Association (a civil association), the Ministry of Culture, a number of private institutions and UNICEF, under the slogan "No to violence ... happy children". The Convention on the Rights of the Child and the two Optional Protocols were distributed to thousands of children participating in the celebration (annex 2).

In the judicial arena, central and local training sessions were held for juvenile court judges, Shariah court judges, prosecuting judges and staff of ministries and popular voluntary organizations to teach them about the contents of the Convention on the Rights of the Child and how to deal with children in a way that helps them to express their opinions and speak freely in front of others.

Part II. Children in armed conflicts (art. 38), including physical and psychological recovery and social integration (art. 39)

The Syrian Arab villages of Majdal Shams, Mas`adah, Buq`ata, Ayn Qinya and Ghajar are located in the northern part of the occupied Golan. The total population of these villages is 22,500 and there are 11 schools, ranging from primary to preparatory and secondary schools, serving 5,500 pupils.

The Israeli occupying power commits flagrant breaches of the Charter of the United Nations and the principles of international law and international humanitarian law, in particular the Fourth Geneva Convention of 1949 on the protection of civilians in time of war, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. It also flouts all the relevant resolutions of the General Assembly and the Security Council, as well as the resolutions adopted by United Nations human rights bodies. Israel's violations of human rights are described hereunder.

(a) The first human rights violation is the occupation itself. Israel refuses to implement Security Council resolution 497 (1981), in which the Security Council describes the decision taken by the Israeli Knesset on 14 December 1981 to annex the Golan and impose Israeli law and judicial and administrative authority over the area as null and void and lacking any basis in international law.

(b) Israel imposes Israeli nationality on Syrian Arab citizens.

(c) Israel insists on maintaining the occupation, expanding the settlements and confiscating cultivable land which represents the main source of income for the population of the occupied Golan. The fact that the people are forced to work in Israeli factories is used to impose economic hegemony on them.

(d) The exploitation of water in the Golan, the high taxes imposed on Arab citizens, and the use of Arab children, including girls and young women, to do the work of adults, at half the rate of pay, are further examples of these violations.

In the sphere of education, the Israeli occupation power has deliberately imposed a policy of ignorance on children in the Golan, as described below:

- Syrian Arab teaching curricula have been abolished in all village schools in the occupied Golan and replaced with the Israeli curricula that were foisted upon Palestinian Arab children in 1948.
- The history, culture and struggle of the Arab people are misrepresented to serve Israel's interests.
- In order to serve the purposes of the occupation, qualified teachers are dismissed from schools and replaced with unqualified teachers and Israeli teachers. In order to gain control over them, teachers are given annual employment contracts and are dismissed if they do not comply with Israeli directives.

- In schools in the Golan, there is a shortage of classrooms and suitable buildings and half the students study in rented classrooms that were originally built as shops and garages. In addition, there are high rates of overcrowding in classrooms, and parents have to pay high taxes, on the pretext of paying for education.
- Students in the occupied Syrian Golan are denied a university education, because they are effectively prevented from registering in Israeli universities due to the high fees and costs and the general harassment with which Syrian students who have a chance to register are forced to contend.
- Obstacles put in the way of Syrian students wishing to register in Syrian universities include the difficulties of travel and the threat that their studies will be interrupted, if they take part in any national activity. This is compounded by the degrading treatment to which they are subjected at checkpoints, the difficulty of obtaining recognition of their university certificates, the delays in the procedure for changing their course of study, and the attempts made to intimidate them.
- In order to support our citizens in the Golan, the Syrian motherland provides a number of televised educational programmes for its children in the area. These programmes are well received and are followed by our people in the Golan. The country also offers university study grants and facilitates access to grants provided by UNESCO, at the request of the Syrian Government.

The Golan does not have an effective or acceptable health system, nor is there a hospital for Syrian Arabs. One of the methods of repression and terrorism which the Israeli occupation forces use is to lay mines all over the villages of the occupied Golan, particularly on citizens' agricultural land. As a result, children are even denied the right to play, owing to fear that a mine may explode.

Notwithstanding this summary of Israel's persistent and harsh policies and practices, the Syrian Arab Republic remains committed to the search for a just and comprehensive peace in the Middle East and calls for a full Israeli withdrawal from the occupied Syrian Golan up to the line of 4 June 1967.

Part III. The Protocol

Article 1: Minimum age for participation in hostilities

Article 1 of the Protocol requests the States parties to raise the minimum age for direct participation in hostilities from 15 to 18 years. In Syria, the juvenile laws protect children by prohibiting compulsory or voluntary recruitment of minors. Article 6 of the Syrian Military Service Act No. 115 of 1953 stipulates the procedures to be followed to prevent the direct participation of members of the armed forces below 18 years of age in hostilities. Individuals are called up for military service from the beginning of the year in which they reach the age of 19, and persons aged 40 years or over are exempt from military service.

Meaning of "direct participation" in Syrian practice and law

This issue does not concern Syria, since the minimum age for compulsory or voluntary service is 18 years. Syria closely monitors the age of recruits.

Measures taken to prevent any member of the armed forces below 18 years of age from being transferred to, or kept in, combat zones

In Syria, there are no armed conflicts and minors may not be recruited for compulsory or voluntary military service. The age of recruits is closely monitored.

Article 2: Minimum age for compulsory service**Article 3: Minimum age for voluntary service**

It is worth noting that the Ministry of Defence has schools for the children of persons who die during military service, although they teach the same curricula as Ministry of Education schools. It is also noteworthy that, in 2003, military education was removed as a subject from the curricula taught at all schools in the Syrian Arab Republic, and at all stages of education up to university level. Changes were furthermore made to school uniforms worn at all educational stages, in line with the Convention on the Rights of the Child and in cooperation with UNICEF.

In accordance with the provisions of the Convention on the Rights of the Child on compulsory and free education, Act No. 32 of 7 April 2002 was issued to extend basic education, by merging the primary and preparatory stages into a single stage of compulsory and free education (see annex 3). The Syrian Arab Republic has developed school curricula to include gender concepts. Several training workshops have been held on mechanisms for incorporating these concepts into educational curricula, designing suitable manuals, and incorporating the Convention on the Rights of the Child into curricula.

Article 4: Armed groups**Article 5: Application of Syrian law, international treaties, humanitarian law and human rights****Article 6: Implementation criteria****Article 7: International cooperation****Annex 1****Legal articles in the report****The Syrian Constitution****Article 25**

Freedom is a sacred right. The State protects the personal freedom of citizens and safeguards their dignity and security.

The sovereignty of the law is a fundamental principle of the State and society.

Citizens are equal before the law with respect to rights and duties. Their security and dignity are safeguarded.

The State provides equal opportunities for citizens.

Article 44

The family is the basic unit of society and is protected by the State.

The State protects and encourages marriage and eliminates the material and social obstacles thereto. The State protects mothers and infants and cares for the rising generation and youth, creating conditions conducive to the development of their capacities.

Article 54

Voters are citizens of 18 years of age and over who are registered in the civil status register and satisfy the criteria laid down in electoral law.

Article 46, paragraph 2, of the Civil Code

The age of majority is 18 full years.

Article 162 of the Personal Status Code

A minor is a person who has not reached the age of majority, which is 18 full years.

Annex 2: Act No. 32
