



Convention on the Rights of the Child

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Summary record of the 1647th meeting

Held at the Palais Wilson, Geneva, on Thursday, 22 September 2011, at 3 p.m.

Chairperson: Mr. Zermatten

Contents

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of the Syrian Arab Republic on the implementation of the Convention on the Rights of the Child (continued)

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (continued)

Combined third and fourth periodic reports of the Syrian Arab Republic on the implementation of the Convention on the Rights of the Child (continued)
(CRC/C/SYR/3-4, CRC/C/SYR/Q/3-4, CRC/C/SYR/Q/3-4/Add.1)

1. *At the invitation of the Chairperson, the delegation of the Syrian Arab Republic took places at the Committee table.*
2. **Mr. Madi** said that he would like to know why the State party, which had taken in 1.5 million refugees, had not ratified the 1951 Convention relating to the Status of Refugees.
3. He enquired about the situation of Kurds who were not registered as foreigners, especially in terms of access to health and education.
4. **Mr. Gastaud** requested clarification about the administration of juvenile justice; it was unclear from the report whether there were special courts for young offenders. The age of criminal responsibility was not clearly stated either.
5. **Ms. Al-Shehail** said that she would like clarification regarding criminal procedures for minors. She also asked whether alternative forms of punishment, other than the deprivation of liberty, were available for minor offences and what sentences were imposed on minors accused of honour crimes.
6. **Ms. Aidoo** asked what measures had been taken by the Government to combat the practice of early marriage.
7. She said that standards of living varied considerably between different social groups and regions. Before the current crisis, 30 per cent of the Syrian population had been living below the poverty line and 11 per cent in extreme poverty. In such conditions, it was difficult to imagine how the State party could achieve the Millennium Development Goals by 2015. She asked what economic and social measures had been implemented to assist and protect poor children and their families and whether a mechanism for monitoring and assessing the impact of the current crisis on the living conditions of children had been put in place.
8. **Ms. Wijemanne** noted that the under-five mortality rate had fallen but that children continued to suffer from malnutrition. The delegation should state whether there was any programme to assess all children's growth and whether the data showed up disparities between boys and girls. It should also clarify whether the practice of breastfeeding was monitored and whether anything was being done to discourage the distribution of breast-milk substitutes.
9. She asked whether there was a child-minding programme for children under the age of 3 years and whether primary and secondary education was free and available to everyone. Lastly, the delegation had stated that couples wishing to marry had to undergo medical testing for congenital disease – what happened if the results were positive?
10. **Ms. Lee**, welcoming the State party's efforts to achieve gender parity in primary education, noted that the dropout rate in secondary education was higher among girls than boys and said that she would like more detailed information as to why that was so. The delegation might also wish to indicate whether there was a "second chance" programme to enable children who had dropped out of school to resume their studies at a later date. Some institutions, such as the sharia institutes, only allowed girls to study there up to the age of 12, even though education was compulsory until the age of 15. Could the delegation explain what became of those girls?

11. Lastly, she wished to know what was being done in the State party to combat the phenomena of temporary marriages and corruption.
12. **The Chairperson** asked whether the Syrian Arab Republic had withdrawn its reservations to articles 20 and 21 of the Convention and whether progress had been made toward the setting up of an independent monitoring mechanism.
13. He said that he would like to have more information on the age of criminal responsibility and whether there were alternatives to the deprivation of liberty. Lastly, he would like more information on detention conditions for minors and, particularly, whether minors were held separately from adults.
14. **Mr. Dalla** (Syrian Arab Republic) said that foundlings were regarded as Syrian and registered with the civil register office. Women required authorization in order to travel with their children.
15. The Labour Code prohibited the employment of children under the age of 15, who must attend school. The Ministry of Labour had issued several circulars and directives on child labour, which listed inter alia tasks that could not be carried out by children over the age of 15 years.
16. **The Chairperson** said that information before the Committee indicated that in rural areas many children left school to work and that, in some regions, school timetables were even adjusted accordingly.
17. **Mr. Kotrane** (Country Rapporteur) said that, while legislation might be consistent with the Convention on the Rights of the Child and the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138), the practice was sometimes quite different. Indeed, it was known that many children worked, particularly in agriculture and as domestic workers. Children were employed in private homes, which were not subject to labour inspections, and exposed to violence and ill-treatment. He asked what would be done to ensure that the law was in fact respected.
18. **Ms. Hamad** (Syrian Arab Republic) said that school timetables were indeed made more flexible during the harvest season in order to allow the children of parents who worked in agriculture to move around with their families but that such compromise arrangements were not at all designed to promote child labour. The employment of children as domestic workers was prohibited under the law.
19. **Mr. Koompraphant** asked if the living conditions of children working as domestic servants in families were monitored. Information before the Committee actually indicated that many such children were exposed to sexual violence or exploitation.
20. **Mr. Dalla** (Syrian Arab Republic) said that the delegation had no information on the matter. The Criminal Code prohibited trafficking in persons. National courts had universal jurisdiction for such offences. The 2010 law on human trafficking also contained provisions on the protection of victims and witnesses.
21. The reservations to articles 20 and 21 of the Convention had been withdrawn under Decree No. 12 of 2007, which had the force of law.
22. A system of juvenile justice had been in place since 1974. The age of criminal responsibility was 10 years. Sentences imposed on children between the ages of 15 and 18 years were lighter than those reserved for adults. The death penalty and life imprisonment were therefore replaced by prison sentences of from 6 to 12 years.
23. Corruption was a widespread phenomenon in the State party. Many measures had been taken recently to deal with that issue and, for example, a committee had been created under the aegis of the Prime Minister. In addition, the Syrian Arab Republic had signed and

ratified the United Nations Convention against Corruption in 2010, thereby demonstrating the Government's commitment to tackling that problem.

24. **The Chairperson** asked what kind of sentences could be received by minors under the age of 15. He also wished to know what prison conditions were like for convicted minors aged from 10 to 15 years and from 15 to 18 years and, in particular, whether they were held separately from adults.

25. **Mr. Kotrane** (Country Rapporteur) asked whether investigations and trials of young people aged between 15 and 18 years were carried out by bodies specialized in dealing with minors and whether such young people served their prison terms in the same places as children aged under 15 or with adults.

26. **Mr. Dalla** (Syrian Arab Republic) said that proceedings involving young people between 15 and 18 years of age were conducted by judges of the juvenile courts. Minors in that age group were not imprisoned with adults but were placed in rehabilitation centres.

27. **Mr. Bakfalouni** (Syrian Arab Republic) said that there was a shortage of paediatric hospitals in the Syrian Arab Republic. There were, however, four public hospitals for women and children and two paediatric hospitals, one in Aleppo and the other in Hasakah. There were several plans to build specialized hospitals, one of which was being funded by Japan. Moreover, 66 Ministry of Health hospitals had a paediatric service. Private hospitals had applied the International Code of Marketing of Breast-milk Substitutes since 2000. The Ministry of Health was going to great lengths to improve child nutrition. Eight hundred centres provided advice on nutrition, and programmes had been implemented to distribute iron supplements to combat anaemia and to distribute food in schools. A national vaccination campaign would begin in October 2011 and a campaign specifically targeting children who had never been vaccinated would be launched in November 2011.

28. **Ms. Hamad** (Syrian Arab Republic) said that corporal punishment was prohibited under Syrian law. The Ministry of Education had drafted instructions prohibiting corporal punishment in schools and many teachers had been suspended and punished for non-compliance with the instructions.

29. Sex education, calibrated to take account of pupils' ages, was included in school curricula. The Ministry of Health carried out awareness programmes on reproductive health for adolescents, and family planning centres also provided information.

30. The marriageable age had been raised to 18 years and the use of DNA testing to establish parentage was legal.

31. **The Chairperson** asked what legislation specifically prohibited corporal punishment, as defined in the Committee's general comment (No. 8) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, which referred to the prohibition of all forms of corporal punishment in all settings. The Committee had information indicating that corporal punishment was carried out in the State party. Further information on the matter would be welcome.

32. **Mr. Kotrane** (Country Rapporteur), noting that the legislation did not seem to prohibit corporal punishment within the family, asked whether the law allowed parents to spank their children as a means of instilling good behaviour.

33. The influence of certain liberal religious dignitaries could help to change attitudes and combat traditionally discriminatory attitudes toward women, particularly with regard to parental roles in the raising of children and the awarding of custody of children.

34. **Ms. Hamad** (Syrian Arab Republic) said that article 28, paragraph 3, of the Constitution stipulated that no person could be subjected to physical or mental torture or ill-treatment. The Criminal Code prescribed penalties for perpetrating such acts; the penalties

were heavier if the perpetrator was the person legally responsible for the victim. It was true that corporal punishment was allowed within the family as a disciplinary measure. That said, international instruments to which the Syrian Arab Republic was a party prevailed over domestic law. Various legal texts in that area could therefore be invoked. Awareness campaigns aimed at ending the practice of corporal punishment were run for the benefit of teachers, the police and judges.

35. It might be true that there were liberal and enlightened religious figures in the Syrian Arab Republic, but many extremists, opposed to any change that might undermine the patriarchal model of society, were also present in the various institutions dealing with children's and family matters, whether in the fields of health, education or justice.

36. **Mr. Kotrane** (Country Rapporteur) said that article 28 of the Constitution prohibited torture and ill-treatment but not corporal punishment. Tolerance of the use of corporal punishment as a disciplinary measure within the family was contrary to international law. The State party should therefore amend its Criminal Code and Personal Status Code accordingly. The Committee was also eagerly awaiting the enactment of legislation on the rights of the child.

37. **The Chairperson** said that the State party must explicitly prohibit corporal punishment in all institutions, public and private, including those providing alternative care for children and correctional centres.

38. **Ms. Hamad** (Syrian Arab Republic) said that children from minority groups had the right to speak their own language and that certain schools provided education in minority languages.

39. There were indeed too few labour inspectors, but additional posts would be created. She was not aware of any cases of migrant children working in the Syrian Arab Republic. All domestic workers were aged over 18 years. Most foreign workers were highly qualified and generally employed by insurance companies and banks.

40. There was a problem with some street children begging, and child protection services were ill-equipped to look after them. Programmes aimed at eradicating child labour had been put in place with the help of the United Nations Children's Fund (UNICEF) and ILO.

41. Foundlings were not dealt with in the same manner as orphans, as the latter could sometimes be taken in by family members. The Ministry of Social Affairs was conducting an assessment of the welfare system that ought to result in some useful recommendations.

42. **Ms. Al-Shehail** asked whether State party budget allocations for orphanages were separate from those for care centres for foundlings and stressed that the two groups should not be treated separately. She asked if the Syrian Government intended to take steps to end the discrimination suffered by foundlings compared to orphans.

43. **Ms. Hamad** (Syrian Arab Republic) said that the two groups of children had long been dealt with separately, but that it might be well to review policy on the matter and treat them as one. That suggestion would be transmitted to the Government.

44. **The Chairperson** asked whether, in general, the State party could not develop alternatives to the placement of children in institutions, such as placement in families or community environments.

45. **Mr. Kotrane** (Country Rapporteur), emphasizing that children born out of wedlock were frequently placed in institutions, said that such children should be allowed to establish their parentage and return to their families or at least be placed in foster families.

46. **Ms. Hamad** (Syrian Arab Republic) said that, aside from placement in institutions, abandoned and neglected children could also be cared for under the *kafalah* system. The Government was looking at introducing a modern system of alternative childcare in line with international standards.
47. No school subjects were taught exclusively to girls or boys. Cooking and sewing were elective subjects and statistics showed that some boys chose them.
48. Unregistered Kurds were considered to be persons of unknown identity. Many Arabs, especially those belonging to nomadic peoples like the Bedouins, were in a similar situation. The Syrian Government was attempting to resolve that issue.
49. Legislation authorizing Syrian mothers to pass on their citizenship to their children would be enacted shortly.
50. The enrolment rate in secondary and higher education was higher for girls than boys. That the dropout rate was higher for girls than boys in primary school might be attributable to early marriages. The Government conducted extensive awareness-raising campaigns to overcome the problem.
51. She was unaware of any cases of the sale of children in the State party, although some marriages with foreigners might fall into that category.
52. The Government was making considerable efforts to improve the standard of living of families. It had increased salaries and established several funds, including one to help drought victims and another to support farmers.
53. **The Chairperson** asked on the basis of what legislation the marriageable age had been raised to 18 years and whether the legislation was already in force. He would be glad to know what the State party intended to do in order to end the practices of early and arranged marriage and marriages of convenience.
54. **Ms. Hamad** (Syrian Arab Republic) said that lifting the marriageable age to 18 years had been a priority of the Government when the bill on rights of the child had been drafted. Marriages of convenience were uncommon in the Syrian Arab Republic. Arranged marriages between cousins, on the other hand, were common and posed a real problem, especially to public health, because of the risk of genetic diseases. Awareness campaigns were conducted to combat the phenomenon, which could not be resolved by legislation. The problem of early marriages with foreigners was being studied and the Government planned to take measures, above all in regions where the practice was particularly widespread, especially if it turned out that the practice was a cover for the sale of children and child prostitution.
55. **Ms. Lee** noted that the Syrian Arab Republic was reportedly a destination country for trafficking in women and children. Further information on that issue was required.
56. **Mr. Kotrane** (Country Rapporteur) said that the sale of children, within the meaning of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, encompassed the forced marriage of children. During the consideration of the State party's initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SYR/CO/1, para. 24) in 2006, the Committee had raised the issue of early and arranged marriages as a matter of concern because those practices disguised a form of prostitution.
57. **Ms. Aidoo** said that she would like to know whether the State party had conducted any public information campaigns regarding the increase in the marriageable age to 18 years to ensure that the legislation, once in force, was respected. Would the State party consider prosecuting persons who married off their children who were minors?

58. **Ms. Hamad** (Syrian Arab Republic) said that her delegation's country was looking at ways of stemming its explosive population growth and studying appropriate penalties for parents whose children married early. The Syrian Commission for Family Affairs worked with other departments and civil society organizations to raise general awareness of the adverse psychological, physical and social effects of early marriage through pamphlets that were regularly published on the subject.

59. The Syrian delegation was unaware of information indicating that the State party was a destination country for trafficking in women and children for the purposes of sexual exploitation. She requested the relevant statistical information, for, if the claims were true, such practices had to be stopped.

60. **The Chairperson** said that the Committee had already discussed the subject with the Syrian delegation during the consideration of its initial report submitted under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2006. It had been especially critical of the practice of temporary marriages or marriages of convenience, which still took place and constituted a type of sale of children. The Syrian Arab Republic must take those issues seriously.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

61. **Ms. Hamad** (Syrian Arab Republic) said that a legislative decree on trafficking in human beings and care for victims had recently been adopted, that a directorate had been set up to combat the phenomenon and that shelters for women and child victims had been opened in Damascus in 2008 and in Aleppo in 2009.

62. It was true that, due to the drought, 45 per cent of the country's schools no longer had access to drinking water and had to be supplied by tanker trucks. According to official statistics, 90 per cent of rural areas and 99 per cent of towns were connected to drinking water supply networks.

63. Teachers in mobile schools received special training on teaching classes with students of varying levels and were paid more due to the additional difficulties that the conditions and peripatetic nature of their work entailed.

64. The current policy of economic openness aimed to ensure social justice in less developed and therefore more disadvantaged regions. Programmes aimed at raising families' living standards, developed jointly by the Ministry of Agriculture and the Ministry of Health, had been implemented in six provinces in the east and north of the country. They concentrated on three main areas: family planning, education and training, and employment. Many Government agencies and international organizations had helped to implement them, and it was to be hoped that the economic sanctions imposed on the Syrian Arab Republic would not inflict too much harm on the people.

65. **Ms. Halabi** (Syrian Arab Republic) said that Israeli forces prevented the Syrian authorities from implementing the Convention in the occupied Syrian Golan. In particular, they had imposed Hebrew as the language of instruction in schools, thereby violating children's right to education and displaying complete disregard for the children's national and ethnic roots or cultural identity. Israel was also flouting the right of the inhabitants of the occupied Syrian Golan to health care by refusing to authorize the construction of a hospital there under the auspices of the Syrian Arab Red Crescent. Children were also exposed to the risk of injury or death because of mines.

66. Lastly, the definition of the child in the occupied Syrian Golan varied, as the age of criminal responsibility was set at 18 years for Israelis and 16 years for Syrians.

67. **Ms. Lee** said that she would like to know why 12-year-old girls were sent to Koranic schools when, at their young age, they should attend regular schools.

68. **Ms. Hamad** (Syrian Arab Republic) said that the arrangement was not confined to girls and that Koranic schools differed from other schools only insofar as they provided religious education in addition to instruction in other subjects. Children enrolled in Koranic schools therefore had a more robust curriculum than pupils who attended ordinary schools. Denominational secondary schools provided an alternative route to university and constituted a means for young Muslims to continue their studies.

69. In the Syrian Arab Republic, two systems of care for children without parents operated side by side: *kafalah*, which had been established under Islamic law by Legislative Decree No. 107 of 1970, and adoption, which was practised by Christians and governed by family law. The only difference between the two was the fact that, under *kafalah*, children retained their original name and did not have inheritance rights. The Ministry of Social Affairs handled *kafalah* and adoption applications and monitored the placements made thereafter. Approval was not automatic and applicant host families could be ruled unfit.

70. **The Chairperson** asked whether, in practice, a Christian family could adopt a Muslim child or a Muslim family a Christian child.

71. **Mr. Dalla** (Syrian Arab Republic) said that he was unaware of such practices. He added that, under Legislative Decree No. 107 of 1970, foundlings were considered to be Muslims.

72. **Ms. Hamad** (Syrian Arab Republic) said that measures had been taken to guarantee the rights of children with disabilities, but that resources were insufficient to create an environment that was truly conducive to their development. All new buildings met modern accessibility standards for persons with reduced mobility, but it would be too costly to adapt all old public buildings.

73. Two groups of graduates had already obtained a master's degree in education science with a specialization in the education of children with special needs, but that was not enough to fill the existing staffing gap. Accelerated training on caring for those with disabilities was thus provided with the help of civil society organizations.

74. In 2010, the Syrian Arab Republic had hosted the Seventh Olympics Regional Games, which had helped to convey a different image of the disabled within Syrian society.

75. **Ms. Halabi** (Syrian Arab Republic) said that the Syrian Arab Republic was not a party to the Convention relating to the Status of Refugees, because the Convention did not give sufficient weight to the issue of the right of return and therefore did not address the situation of Palestinian refugees in the country. The State, however, did all in its power to protect the rights of the many Palestinian refugees in its territory, as the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) could testify, and to that end had signed a memorandum of agreement with the Office of the United Nations High Commissioner for Refugees.

76. **Ms. Hamad** (Syrian Arab Republic) said that the setting up of the family protection unit had been delayed for various reasons, but the unit had been established, had its own budget and would soon be operational. The establishment of the National Observatory On Child Abuse was at the pilot stage: 12 centres were working and providing data based, especially, on information that local branches of the Observatory operating in police stations and hospitals supplied for use in an end-of-year progress report. It was hoped that the results would be encouraging and that the initiative would be continued with a view to setting up centres throughout the country. In addition, there were plans to set up a family helpline, which would operate until a proper children's helpline was established for lodging and dealing with complaints.

77. **The Chairperson** asked whether the definition of domestic violence included marital rape.

78. **Mr. Dalla** (Syrian Arab Republic) said that marital rape was not expressly prohibited and that the legislation ought to be amended in that regard. The definition of violence against women included physical as well as psychological or symbolic violence. The latter referred to social stereotyping of women. The Ministry of Education had included in school curricula some of the issues covered by the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in order to foster a culture that was free of violence and founded on the recognition of everyone's rights. The sharia, which was a source of law, was often invoked to justify behaviour that flouted the teachings of Islam, and change took time because new ideas met with resistance from certain groups.

79. **Ms. Hamad** (Syrian Arab Republic) said that the share of the national budget set aside for children was split between five ministries, including the Ministry of Education and the Ministry of Health, which were the main service providers for children. The Ministry of Education received a fifth of the national budget to cover expenditure on education and, among other things, school health services. Education, health care and various other social services were free of charge in the Syrian Arab Republic. It was currently difficult to determine with any accuracy just how much of the budget was spent on children, but improvements in budget planning would be made in order to pinpoint how much was allocated to the various programmes and activities. In 2011, a total of 2,200 million Syrian pounds had been spent on immunization programmes for children. The Government also subsidized higher studies for paediatricians.

80. **The Chairperson** asked whether the State party had established a national human rights institution or a unit to monitor the observance of children's rights.

81. **Ms. Halabi** (Syrian Arab Republic) said each ministry had a special section monitoring international relations and human rights issues. The Ministry of Foreign Affairs acted as a link between the State and the international community on human rights matters. A higher human rights council, made up of representatives of the Government and civil society, would be set up shortly.

82. **The Chairperson** asked how births out of wedlock were registered and whether it was true that, in order to have the birth of their children registered, single mothers had to submit to an interview with the police on the circumstances of the birth.

83. **Mr. Dalla** (Syrian Arab Republic) said that, under the Personal Status Code, it was up to fathers to register the birth of their children. A judge could register the birth of a child born out of wedlock or an abandoned child and there was no need for mothers to report to the police.

84. **Ms. Varmah** (Alternative Country Rapporteur) said that she welcomed efforts by the State party to improve the lot of Syrian children and to ensure that their rights were respected and hoped that the situation in the country would return to normal soon.

85. **Mr. Kotrane** (Country Rapporteur) said that he welcomed the open and frank nature of the dialogue and the many positive steps taken in the legislative policy domain to foster the rights of the child. He noted, however, that there was a disparity between measures taken by the Government through the Syrian Commission for Family Affairs and the obstructive attitude in some extremist political circles to legislative reform, especially with regard to the rights of the child. Other issues included the reservation to article 14 of the Convention and the establishment of an independent national human rights institution. Such an institution should be set up in accordance with the Paris Principles and empowered to deal with complaints filed by children. Steps should also be taken to enable Syrian mothers to pass on their nationality to their children. Efforts also needed to be made to improve the situation of juvenile delinquents and to resolve the issue of child labour. Lastly, the State

party should act on the recommendations regarding the implementation of the two optional protocols.

86. **Ms. Hamad** (Syrian Arab Republic) thanked the members for their insightful comments and stressed that the Syrian Arab Republic was going through difficulties, the effects of which had hindered progress in the area of rights of the child. She hoped that the Committee would bear in mind, in its concluding observations, the various difficulties, including those of a budgetary nature, faced by the country, as well as the consequences of the Israeli occupation of the Syrian Golan.

87. The Committee should beware of the sometimes misleading media reports about her country. In that regard, she wished to state that the deaths of Hamza Ali al-Khateeb and Tamer Mohamed al-Shar`i had been accidental and that the two had been neither tortured nor imprisoned, but rather found dead following an exchange of gunfire on the street. The fate of Hussam Ahmed al-Zu`bi was unknown. In conclusion, she assured the Committee that her country was firmly committed to doing all in its power, together with civil society and other stakeholders, to improve the situation of children.

88. **The Chairperson**, having invited the delegation to provide, in writing, any additional information available on the fate of those children, thanked all the participants and assured the delegation that the Committee did not generally allow itself to be unduly influenced by the media; its prime concern was to see a lasting improvement in the situation of children in the country.

The meeting rose at 6.05 p.m.