

Distr.: General
18 September 2013
Arabic
Original: English



مجلس حقوق الإنسان

الدورة الرابعة والعشرون

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

مذكرة شفوية مؤرخة ٩ أيلول/سبتمبر ٢٠١٣ موجهة من البعثة الدائمة للجمهورية العربية السورية لدى مكتب الأمم المتحدة والمنظمات الدولية الأخرى في جنيف إلى مفوضية الأمم المتحدة السامية لحقوق الإنسان

تهدي البعثة الدائمة للجمهورية العربية السورية لدى مكتب الأمم المتحدة والمنظمات الدولية الأخرى في جنيف تحياتها إلى مفوضية الأمم المتحدة السامية لحقوق الإنسان وتتشرف بأن تحيل طيه نسخة من مساهمة الجمهورية العربية السورية الموجهة إلى الممتلة الخاصة للأمين العام المعنية بالأطفال والتراعات المسلحة فيما يتعلق بتقريرها*.

لقد أولت سورية، على امتداد عقود طويلة، الأولوية القصوى لقضايا الطفولة وحقوق الطفل في جميع خططها وبرامجها الإنمائية ودرساتها المتعاقبة. وكانت دائمة الحرص على التقيد بالتزاماتها الدولية في هذا المجال. فقد تعاونت، ولا تزال، مع هيئات الأمم المتحدة من أجل بلوغ أعلى مستويات رعاية الطفولة وحماية حقوق الطفل. غير أن عاملاً جديداً طرأ على سورية فشوّ الجهود المبذولة في هذا المضمار وعرقلها. فالمجموعات الإرهابية المسلحة من الخارج عرقلت حياة السوريين، بما في ذلك حياة الأطفال، وشوحتها بصورة منهجية ومقصودة. وإضافة إلى ذلك، خلقت هذه المجموعات واقعاً جديداً للأطفال

* استنسخت في المرفق كما وردت وباللغة التي قدمت بها فقط.

في سورية عاد بالبلد مئات الأعمام إلى الوراء لتنشئة جيل جاهل ذي عقلية مظلمة
لاستخدامه أداة لتدمير سورية.

وتطلب البعثة الدائمة للجمهورية العربية السورية إلى المفوضية السامية تميم ونشر
هذه المذكرة ونشرها بوصفها وثيقة من وثائق الدورة الرابعة والعشرين لمجلس حقوق
الإنسان.

Annex

[English only]

I. Children suffering in the framework of the crisis

A. Education sector

- Armed terrorist groups have made considerable efforts to disrupt the educational process in Syria. They bombarded many schools, including a school in Qunaitera and Mukaïam Al wafideen, in December 2012, and in Al mazra'a in Damascus, in February 2013, and many other crimes which led to the killing of many students and teachers. The ministry of education has lost at least 115 of its educational staff, as a result of these crimes. We would like to point out that the competent authorities dismantled a number of other improvised explosive devices that had been placed near schools.
- Schools were exposed to looting and destruction in varying degrees. The estimated material losses of the ministry of education reached 6 billion \$, since the beginning of the crisis.
- Armed terrorist groups targeted and occupied schools, and used them as platforms for their terrorist operations. One of the most obvious examples of that is the crime of torturing and murdering Burry Family, in Aleppo, in the end of 2012. This family was accused by terrorist groups of being "loyal to the state", so they issued "fatwa" to kill the whole family, noting that the place of investigation and killing was a school, and this was documented by the armed groups.
- The universities also have been targeted by shelling, bombing, and snipping. Aleppo university building was bombarded during the first semester exams January 2013, noting that a part of the building was hosting a number of displaced families. Some websites of the armed terrorist groups, published, at that time, that those who have been killed "deserved killing because they accepted going to educational institutions which belong to the regime". Furthermore, Damascus university building, and the building of the ministry of higher education, has been exposed to frequent mortar attacks, in order to prevent students from pursuing their education.
- Distribution of leaflets to parents, threatening them not to send their children to schools.
- Establishing religious schools in the mosques which are controlled by the armed terrorist groups, in order to teach students, distorted interpretations of religion.
- Burning and destroying the centers of printing and distribution of school books.

B. Murders and torture

- Armed terrorist groups have killed and kidnapped children while they were on their way to schools. They have also killed them because of intellectual or religious affiliations of their parents. The most famous cases in this regard were murdering the sons and nephews of General Tellawi, while he was taking them to school, in the beginning of 2012. Another child has been murdered in front of his

parents and younger brother, in June 2012, because he appeared on TV while he was participating in a march supporting reform in Syria

- Armed terrorist groups have targeted children in general, either to horrify their parents and force them to change their positions. An example of that is killing “mufti Syria’s” son, Saria Hassun, or killing for money, which is used frequently against businessmen, or to push parents to leave their homes.

C. Media exploitation

- Armed terrorist groups have exploited children, in preparing media materials, in order to generate compassion, either through pushing them to act scenes, without any concern to cover lies in these scenes. An example of this is the case of the minor, Zainab ALhosni. Or through killing children and broadcasting their photos, while claiming that the Syrian authorities killed them. An example of that, is the case of the child Sari Sa’aud, who was killed by armed terrorist groups in Homs, in December 2011. The satellite TV chandelles, complicate with these terrorist groups, broadcasted his photo, and the photo of his bereaved mother, claiming that he has been killed by the Syrian authorities. There are a lot of cases, of making such videos, in order to collect money in support of the armed terrorist groups. because as much as a group broadcasts videos online, as much as it gets funding out of that.
- Whenever the crimes of armed terrorist groups are revealed, they move their media machine to attach these accusations with the Syrian authorities. The other party is equipped, trained, supported financially, and dedicated to fabricate accusations, and manipulate the facts, and accuse the Syrian army of what the armed groups are committing, in order to distort its image.
- Armed terrorist groups have forcibly displaced families and children from their homes, including through bombings, in order to have control over their areas, especially in the areas where the armed groups did not find a supportive environment. There are other objectives behind displacing families. One of them is the “takfiri mentality” which targets specific components from the Syrian society. This mentality considers all those who do not support it as “unbelievers” and that “killing them is a duty, and halal”.

D. Recruitment of children

- Recruitment of children by armed terrorist groups has been known by the whole world. These groups use children to take up arms and carry out terrorist attacks. The internet is full of photos and videos of minor's carrying arms among armed groups, while the leaders of those groups are manipulating them to carry out terrorist operations, and those leaders know that these children will be killed as a result of such operations.
- Armed terrorist groups have also exploited children in dangerous acts, such as transferring messages among terrorist groups. There is also unconfirmed information that children have been exploited in digging tunnels, which are used by the armed terrorist groups.
- The new aspect of this exercise, which has not received sufficient international attention, is teaching children brutal practices. The most heinous case among these cases is a video which was broadcasted by armed groups, while they were training a child to use an ax to smash heads.

E. Sexual violence against girls

- Girls have been exposed to sexual violence by armed terrorist groups which kidnapped many girls and exploited them for the pleasure of terrorists. Furthermore, the religious authorities of the armed terrorist groups issue “fatwa's” which permit such crimes. Many of these cases ended up by killing the girls, when the armed groups left the areas.
- In the camps, outside Syria, children are exposed to a lot of violation. The media highlighted the violations committed against girls through rape masked by marriage. Furthermore, some women and girls have been raped in refugee's camps in Turkey, by those in charge of the camps, including Turkish men or militants. More than 250 cases of rape have been documented in one of these camps. Many officials asked the special representative of the secretary general on children in armed conflicts to pay all the attention to Syrian refugees, when she visits them. They also hoped that all refugees return to their country very soon.

F. The illegal unilateral sanctions and its impact on children

- Many countries imposed unilateral illegal and immoral sanctions on the Syrian people, on its banking and oil sectors, and on the vital institutions in the country. These sanctions impacted children's rights directly, in Syria. Banning money transfers through banks led to serious obstacles to the possibility of access to baby's milk and other essential food items. This collective punishment affected access to medicine, especially children medicine.
- Imposition of sanctions on fuel, led to depriving hospitals, including children hospitals, of the fuel which is essential for their work. It also deprived a big number of schools from heating fuel.
- Sanctions affected access to a lot of technology and software. Thus they deprived children of accessing them, which led to widening the technological gap among them and their counterparts in other parts of the world.

G. Other social and psychological problems

- Many Syrian children became orphaned increasingly facing the pressure of taking over responsibilities for their families (especially for the males among them). These children will eventually drop out of the educational process, and consequently lose their chance for a better life. It should be noted that stern instructions were issued to accept any child in need in the shelters, regardless of where this child came from and whether or not he was in possession of identity papers. Instructions also stipulate to undertake the child's education within the shelter under the supervision of the Ministry of Education.
- Shelters play an important role in the absorption of orphaned children; nevertheless they face difficulties in the assimilation of a growing number of them, taking into consideration that many of these shelters were targets of mortar shells and explosions launched by armed terrorist groups, the latest of which was the targeting of the "Kafarsousah Shelter for Orphans" on March 13, 2013.
- Children are also being subjected to psychological violence as a result of their witnessing the murders of their parents or relatives, or as a result of being forced to leave their homes, as well as other crimes committed by the armed groups (for example the case of two young girls who stayed clinging for two days to their mother's body who was shot by armed gangs before being rescued by the Syrian Army and transferred to a care center for orphans).

- One cannot ignore the suffering of children caused by permanent disabilities incurred during terrorist acts; and the difficulty of treating them and in providing the necessary equipment needed to help them overcome their disabilities due to the unethical and illegal sanctions imposed on Syria by certain countries.

II. Syrian efforts to protect children's rights during the crisis

The visit to Syria by the UNSG's Special Representative for children in armed conflicts:

The Syrian Arab Republic's decision to invite UNSG's Special Representative for children in armed conflicts Mrs. Leila Zerrougui, to visit Syria was based on its keenness to expose the truth behind what is going on in Syria, and in harmony with its international commitments and obligations pursuant to international human rights law, and its cooperation with the United Nations. The Special Representative accepted the invitation and visited Syria during 14-17 December 2012.

The Syrian Government facilitated the SR's field visits to schools and shelters in Damascus and its countryside as well as in Homs. She also conducted a number of meetings with concerned government institutions and officials, amongst them the Vice Minister of Foreign Affairs, the Minister of Education, the Minister of Social Affairs, the Minister of Justice, and the President of the Syrian Commission for Family Affairs. The following main points were raised during these meetings:

1. Allegations relating to the targeting of schools and their use as prisons and sniper positions

The Minister of Education clarified that military airplanes did not target residential districts or any areas in which schools are located, but only targeted areas in which armed terrorists were operating. He refuted the accusations alleging the use of schools as military centers, pointing out to a school in the countryside of Damascus which was occupied by armed terrorists after forcing out civilians who had sought shelter in it. He added that he had asked the Minister of Defense to liberate a school in Al Kisweh that had been occupied by armed terrorists and used as a "sharia' court" and a place of executions.

Syrian officials have clarified that the presence of armed groups in residential and populated areas eventually leads to destruction in those areas as a result of confrontations with these terrorists. He confirmed that the shelling conducted by the Syrian forces targets only the armed groups, denying the existence of so-called "indiscriminate shelling" of populated areas.

2. Allegations regarding the mistreatment of children

The Minister of Justice made it clear that Syrian legislation stipulates the beginning of legal responsibility at the age of 10, and that Syrian law specifies special treatment for juveniles proven guilty of a misdemeanor or crime. He further elaborated on the special laws regarding juveniles over the age of 15 who committed the crime of murder. He added that any juvenile arrested (considering the fact that some parties deliberately use children in their terrorist acts) would be shortly released after verifying his age, knowing that some juveniles do not carry identification and others appear older than they actually are. The Minister confirmed that any instances of encroachments of these laws are isolated cases.

The Minister further elaborated that Syrian law requires punishment for those who harm children regardless of who commits the crime. The law stipulates in this context a special legal process in a special juvenile court.

The Minister of Justice added that a central independent judicial committee was formed comprised of senior judges (with branches in all provinces) having the task of investigating and documenting crimes committed by all sides, and taking the necessary measures to deal with these crimes. Several officials, officers, as well as civilians were brought before this committee in the context its investigations.

3. Cooperation between the Syrian Government and the UNSG Representative

The Government of the Syrian Arab Republic and the UNSG SR agreed to continue contacts in order to deal with each alleged case of mistreatment of children. The Syrian Government awaits the details of such allegations brought to the attention of the SR in order to investigate them.

The exploratory stages for providing the Syrian Government with UN technical assistance have begun, with the goal of setting up a national monitoring and reporting mechanism. It should be noted that there is an urgent need to lift Syria's name from the "shame list" to which its name was wrongly added.

The Syrian Government asked the SR not to ignore highlighting in her report the violations of the rights of children being committed in the Occupied Syrian Golan.

4. Support of the educational process

The Syrian Government has taken a decision not to let students loose a school year of their education despite the circumstances. It therefore took all necessary measures to guarantee this including steps to facilitate the process for displaced students' parents. Nevertheless, the forced displacement of people from their homes as a result of the practices of the armed terrorist groups pushed the Government to use 1468 schools as shelters, for lack of any alternatives. The Government undertook to guarantee the security of these shelters, and to offer alternative shelters to schools as they become available.

5. Other measures

The Syrian Commission for Family Affairs, in its capacity as a national institution, had informed The Committee on the Child that it is acting as a plaintiff against all violators of children's rights. Despite its repeated requested from the Committee evidence to support the allegations it had raised, the Commission for Family Affairs never received any documented proof in this regard.

Following the visit of the SR, the Syrian Commission for Family Affairs undertook several measures in order to curb the recruitment of children by armed terrorist groups, among which are:

- Collecting evidence related to this issue including material from the media, and preparing legal proceedings to be presented in juvenile courts.
- Coordinating with the Ministries of Justice and Social Affairs to follow up the affairs of juveniles who were taken advantage of by armed terrorist groups in their operations and later released or transferred to juvenile rehabilitation centers, to follow up their conditions and rehabilitation.
- Broadcasting TV programs and other documentaries to shed light on this matter in order to raise awareness regarding its dangers and repercussions.
- Organizing training courses for national teams working in the psychological and social support field – as prescribed in the texts of the convention on the rights of the child and other optional related protocols.