



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Concluding observations: Syrian Arab Republic

1. The Committee considered the initial report of the Syrian Arab Republic (CRC/C/OPSC/SYR/1) at its 1178th meeting (see CRC/C/SR.1178), held on 19 September 2006, and adopted at its 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and written replies to the list of issues. The Committee also appreciates the constructive dialogue held with the delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report (CRC/C/15/Add.212) on 6 June 2003.

B. Positive aspects

4. The Committee welcomes the information that international conventions to which the Syrian Arab Republic is a party take precedence over domestic legislation in case of any conflict and/or inconsistency.

5. The Committee further commends the State party's accession to:

(a) The Convention on the Elimination of All Forms of Discrimination against Women, on 28 March 2003;

(b) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 19 August 2004;

(c) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 2 June 2005;

(d) The Optional Protocol on the involvement of children in armed conflict on 17 October 2003; and

(e) The ratification of International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 22 May 2003.

6. The Committee also notes with appreciation the information provided by the delegation that the Government has approved the withdrawal of the reservations entered by the State party to articles 20 and 21 of the Convention and articles 3, paragraph 1 (a) (ii), and 3, paragraph 5, of the Optional Protocol, and that this decision has been submitted to the legislative body for final promulgation.

C. Principal areas of concern and recommendations

1. General measures of implementation

Coordination and evaluation of the implementation of the Optional Protocol

7. The Committee takes note of the information provided on the involvement of various ministries and governmental bodies in the implementation of the Optional Protocol, and that the Syrian Commission for Minors Affairs is entrusted with the coordination among governmental and non-governmental bodies of all activities relating to family affairs. It also notes that all concerned bodies have to report annually to the Syrian Commission on Family Affairs on progress achieved in the respective fields of competence with regard to the Optional Protocol. However, the Committee remains concerned that, in practice, coordination and cooperation - both at central and local levels - of the activities undertaken in areas covered by the Optional Protocol is still insufficient.

8. **The Committee encourages the State party to strengthen coordination, at both central and local levels, in the areas covered by the Optional Protocol. It also recommends that the State party provide in its next report a brief overview of the progress achieved on the implementation of the Optional Protocol based on the reports received by the Syrian Commission on Family Affairs from the different bodies involved in its implementation.**

Dissemination and training

9. The Committee acknowledges the State party's efforts for the dissemination of the Optional Protocol as well as training activities about its provisions, but is concerned that advocacy and social mobilization on the issues covered by the Optional Protocol remain insufficient.

10. **The Committee recommends that the State party continue its efforts towards the dissemination of information on the provisions of the Optional Protocol within Syrian society, especially among children, parents and other caregivers and professionals working with and for children. The Committee further recommends that the State party carry out systematic and ongoing training programmes on the provisions of the Optional Protocol for all professional groups working with and for children and all other relevant groups. To this end, substantive resources should be earmarked to public awareness campaigns and for the development of training materials and courses.**

Data collection

11. The Committee notes with appreciation that a database for the collection of information on child victims of all forms of violence has been created under the framework of the newly established 2006 Plan of Action for the Protection of Children. However, it regrets that data and information on the issues covered by the Optional Protocol, especially on child prostitution, remain insufficient.

12. **The Committee recommends that the State party ensure that specific research is undertaken to assess the nature and extent of the sale of children, child prostitution and child pornography in the State party, and that data, disaggregated, inter alia, by age, sex and minority group, be systematically collected and analysed as they provide essential tools for measuring policy implementation.**

Budget allocations

13. **The Committee notes that a specific budget allocation for child protection has been envisaged for the implementation of the 2006 Plan of Action for the Protection of Children. The Committee recommends that the State party provide information in its next report on budget allocated to the various activities of the State party specifically related to the implementation of the Optional Protocol.**

2. Prohibition of the sale of children, child pornography and child prostitution

Existing criminal laws and regulations

14. The Committee notes the State party's efforts to cover the offences listed under the Optional Protocol in its criminal legislation as well as the establishment of a specific unit under the Syrian Commission on Family Affairs which is currently undertaking a comprehensive review of legislation. However, the Committee is concerned that:

(a) There are no specific provisions expressly targeting sale of children and child pornography, although these offences would reportedly be covered by other existing provisions;

(b) The age limit in the Penal Code is apparently not set at 18 years for all the offences covered by the Optional Protocol.

15. **The Committee recommends that the State party:**

(a) **Amend the Penal Code in order to explicitly define and cover all the offences in accordance with articles 2 and 3 of the Optional Protocol, including by speedily adopting and implementing the draft law on the protection of children;**

(b) **Set at 18 years the age limit used for defining a child for each of the offences covered by the Optional Protocol;**

(c) **Strengthen the legislative framework by the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**

(d) **Continue to seek technical assistance in this respect from UNICEF, among others.**

3. Penal and criminal procedure

Jurisdiction

16. **The Committee recommends that the State party provide more information on its compliance with article 4 of the Optional Protocol in its next report, and notably whether it establishes its jurisdiction over the offences covered by the Optional Protocol in all cases contemplated under article 4.**

Extradition

17. The Committee notes that article 35 of the Penal Code provides that, if the accused person consents in open court to be extradited, the competent authorities may accept or deny the extradition request at their discretion.

18. **The Committee recommends that the State party ensure that each extradition request is thoroughly evaluated and that the decisions to grant or refuse it is not exclusively based on the consent of the accused person. It also recommends that the State party ensure that its legislation on extradition be in compliance with article 5 of the Optional Protocol, which should be used, when necessary, as a legal basis for extradition with respect to the offences listed therein.**

4. Protection of the rights of child victims

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

19. The Committee notes that protection measures are contained in the Juvenile Delinquents Act, including the establishment of special courts for juveniles, but is concerned that they refer essentially to children accused and/or convicted of a crime rather than to children victims thereto. It is further concerned that:

(a) Under the Evidence Act persons under the age of 18 are not competent to testify, except in case of alleged rape or offences against morality;

(b) Victims of acts covered by the Optional Protocol, notably children used for prostitution, may be prosecuted and - if foreign nationals - expelled.

20. **The Committee recommends that the State party take all necessary measures to ensure that child victims of any of the crimes under the Optional Protocol are as such neither criminalized nor penalized. It further recommends that the State party protect child victims and witnesses at all stages of the criminal justice process in accordance with article 8 of the Optional Protocol. To this end, the State party should also be guided by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20). The State party should in particular:**

(a) **Allow the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected;**

(b) **Use child-sensitive procedures to protect children from hardship during the justice process, including special interview rooms designed for children and child-sensitive methods of questioning; and**

(c) **Establish special procedures for the collection of evidence from child victims and witnesses - such as video and audio recording of the child declarations - in order to reduce the number of interviews, statements and hearings.**

21. While noting that the Ministry of Social Affairs and Labour organizes training courses for people working with child victims, the Committee is concerned that there is a general lack of medical experts and/or specialized centres for the treatment, physical and psychological recovery and social reintegration of child victims.

22. **The Committee recommends that the State party ensure that child victims receive all appropriate assistance, including full social reintegration and physical and psychological recovery, in accordance with article 9, paragraph 3, of the Optional Protocol; to this end, the State party should continue to take measures to ensure appropriate training, in particular legal and psychological training, for the persons working with victims of the offences prohibited under the Optional Protocol.**

23. The Committee is concerned at the information reporting the practice of temporary marriages, which occurs especially in some areas of the country, involving girls as young as 12 years who are given in marriage in exchange for money. The Committee is further concerned that these girls, when abandoned by their husbands after a short time, are deprived of the rights acquired with legal marriage, stigmatized and have little access to measures of physical and psychological recovery and social reintegration.

24. **The Committee recommends that the State party address the issue of temporary marriages, including by raising awareness among children, families and within the community of the rights of the girl child and the negative impact that such forms of marriages may have on the physical and mental health and general well-being of girls. The State party should also provide victims of this practice with the necessary physical and psychological recovery and social reintegration.**

5. Prevention of the sale of children, child prostitution and child pornography

Measures adopted to prevent offences referred to in the Optional Protocol

25. The Committee welcomes the establishment of the Public Commission to Combat Unemployment and of the Fund for Integrated Rural Development, in 2002 and 2001 respectively, as measures aimed at combating poverty as one of the main causes of all forms of exploitation. It also welcomes the broadcasting by Syrian TV of a special programme on violence against children. However, the Committee, believing that the elimination of the sale of children, child prostitution and child pornography would be facilitated by adopting a holistic approach, addressing the contributing factors thereto, is concerned that:

(a) There is no integral plan or strategy to tackle the issue of homelessness and street children and the significant number of children in the street indicates a potential for sale of children, child prostitution and child pornography;

(b) Birth registration is still problematic in some areas and for particular ethnic minorities, notably Kurds;

(c) The fight against school dropouts has been ineffective so far.

26. **The Committee recommends that the State party intensify its efforts to take appropriate measures, including of a legislative, judicial and administrative nature, policies and programmes to prevent the offences referred to in the Optional Protocol. In particular, the Committee recommends that the State party:**

(a) **Develop and implement a comprehensive National Plan of Action to deal with the issue of homelessness and street children, who are particularly at risk of being exploited;**

(b) **Ensure that the helpline, which is going to be established by the Ministry of Social Affairs in 2007, be 3-digit, toll-free and available 24 hours a day. This national helpline for children should also be able to provide services in remote areas;**

- (c) **Strengthen its efforts to guarantee the registration of all children within the State party's jurisdiction, irrespective of the legal status of parents;**
- (d) **Intensify its efforts to reduce dropout rates in schools;**
- (e) **Encourage all media to disseminate more information on the issues covered in the Optional Protocol.**

6. International assistance and cooperation

Prevention and law enforcement

27. The Committee notes that the State party is working closely with the International Organization for Migration in the fight against trafficking and welcomes that an ad hoc inter-ministerial National Task Force has been established to this end and has drafted a comprehensive anti-trafficking law which is expected to be submitted soon to the People's Assembly. However, it is concerned at information reporting instances of Iraqi girls trafficked to the Syrian Arab Republic for the purpose of sexual exploitation.

28. **The Committee recommends that the State party conduct further research on the scale and nature of cross-border trafficking for the sale of children, child prostitution and child pornography and strengthen its regional and bilateral judicial and police cooperation for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving offences under the Optional Protocol. The Committee further encourages the State party to provide more detailed information in this respect in its next report.**

29. **The Committee encourages the State party to continue its cooperation with United Nations specialized agencies, such as UNICEF and the United Nations High Commissioner for Refugees, and international non-governmental organizations, such as ECPAT International and the International Congress on the Prevention of Child Abuse and Neglect (IPSCAN) in order to improve the implementation of the Optional Protocol.**

7. Follow-up and dissemination

Follow-up

30. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Cabinet of Ministries, the People's Assembly and to local people's councils, for appropriate consideration and further action.**

Dissemination

31. The Committee recommends that the report and written replies submitted by the State party and the present recommendations (concluding observations) be made widely available, including through the Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

8. Next report

32. In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic reports under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, which are due on 13 February 2009.
