



## Convention on the Rights of the Child

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### Committee on the Rights of the Child

#### Forty-sixth session

#### Summary Record of the First Part (Public)\* of the 1278<sup>th</sup> Meeting

Held at the Palais Wilson, Geneva, on Tuesday, 2 October 2007, at 10 a.m.

*Chairperson:* Ms. Lee

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involvement of children in armed conflict*

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\* No summary record was prepared for the second part (closed) of the meeting.

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports of States parties (item 4 of the agenda) (continued)**

*Initial report of the Syrian Arab Republic under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/SYR/1; CRC/C/OPAC/SYR/Q/1; CRC/C/OPAC/SYR/Q/1/Add.1; CRC/C/OPAC/SYR/CO/1)*

1. At the invitation of the Chairperson, the delegation of the Syrian Arab Republic took places at the Committee table.
2. **Ms. Astour** (Syrian Arab Republic) said that her country was working with civil society and international organizations to raise public awareness of the provisions of the Convention on the Rights of the Child, the two Optional Protocols thereto and the international instruments the country had ratified, all of which outranked national law.
3. Despite the efforts made by the Syrian Arab Republic for a just and lasting peace, which included an Israeli withdrawal from the Golan, the rights of the children in the Golan were still being flouted.
4. The Syrian Arab Republic was severely tested by the conflicts plaguing the Middle East and called on the international community to help it manage the humanitarian disaster facing it in the form of an influx of refugees. The Syrian Arab Republic was accommodating many Palestinian refugees, persons displaced from the Golan, Lebanese and almost 1.5 million Iraqis. Many Iraqi children could not be enrolled in school.
5. The Syrian Government was the competent authority for voluntary recruitment; the legal system was clear on that point and in conformity with international law. No group was authorized to recruit soldiers in the country.
6. Under the Juvenile Delinquency Act, which was due to be amended shortly, children were not liable to penalties for a contravention or a misdemeanour, but only to reform and welfare measures.
7. The Syrian Arab Republic did not have any schools or higher military establishments which accepted children. An association subsidized by the Ministry of Defence administered civilian schools which delivered an ordinary school curriculum and accepted orphans on humanitarian or patriotic grounds.
8. In cooperation with the United Nations Children's Fund (UNICEF), the Syrian Commission for Family Affairs had established a national committee which included representatives from public bodies and non-governmental organizations working with and for children with a view to drawing up a national project to train members of the judicial system in the methods of implementing the Convention and its Protocols. Steps had also been taken to raise awareness of the Convention and its Protocols through the media. The Commission for Family Affairs had conducted a campaign to raise awareness of these instruments among school children as part of the "Where is my right?" campaign which had been launched nationwide in 2005. Drawing and story-telling competitions for children based around the Convention had been held with UNICEF help. The Ministry of Education had implemented a project to improve the official school curriculum and new concepts relating to social issues and equality between the sexes had been introduced.

9. A national plan for the protection of children for the period 2005-2007 had been formulated and the Commission for Family Affairs was working with all competent authorities with a view to renewing the project for the period 2008-2010. The study on the situation of children in the Syrian Arab Republic, which was being conducted with help from UNICEF, was nearing completion. A bill on children's rights and a further bill on combating trafficking in persons were in the process of being drafted.

10. **Mr. Filali** asked for details on the provisions of the Convention likely to be applied directly at national level and enquired which authority had responsibility for implementing the Protocol, whether the Ministry of Defence played a role in its implementation and whether the provisions of the Protocol would be integrated into the national plan for the protection of children 2008-2010.

11. He asked whether civil society organizations and the National Human Rights Commission were involved in formulating the reports of the Syrian Arab Republic and what role the Commission had in implementing the Protocol.

12. It would be useful to have details on the procedures followed to prevent direct involvement of children in hostilities, to which reference was made in article 6 of Military Act No. 115 of 1953, and on the precise definition of the expression "direct involvement".

13. It would also be useful to know what means were available to the competent authorities to enable them to ascertain that the minimum age for compulsory or voluntary recruitment to the armed forces was properly complied with and the delegation might indicate whether the same conditions with regard to the minimum age of voluntary recruitment applied to Palestinian children.

14. The Syrian delegation might give details on the status of children studying in civilian schools administered by the Ministry of Defence and indicate whether education in international humanitarian law was provided in schools generally.

15. The delegation might indicate whether the Syrian authorities were aware of the existence in their territory of armed groups or military training camps where children were allegedly used.

16. It would be useful to know whether the Syrian Arab Republic was able to bring legal proceedings against aliens in its territory who allegedly recruited children abroad.

17. **Ms. Khattab** asked whether psychological aid programmes had been set up for children arriving in the Syrian Arab Republic who had experienced situations of armed conflict and whether there was any cooperation in that regard with the Office of the United Nations High Commissioner for Refugees (UNHCR). It would be useful to indicate whether the Syrian Arab Republic received aid from international bodies or donor countries to supply health care services to refugee children and whether refugee children received services on the same terms as Syrian children or had to pay additional school fees.

18. Explanations of reports that Iraqi children were now finding it more difficult than in the past to take refuge in the State party would be welcome.

19. It would be useful to know whether Syrian soldiers, especially those assigned to peacekeeping operations, were made aware of human rights and the rights of the child.

20. **Mr. Pollar** requested information on foreign armed groups which, according to certain sources, were trying to recruit children who were in the country as refugees, for the purpose of involving them in operations abroad.

21. He would like to know whether programmes had been established to protect the most vulnerable children against the offences described in the Optional Protocol and whether children's awareness of the consequences of involvement armed conflict was based on the fact that some individuals might be tempted to take part in hostilities in order to become heroes or martyrs.

22. **Mr. Puras** asked whether persons under age 18 might be recruited by the Syrian army in the event that the extremely fragile peace in the region were to be seriously threatened.

23. **Mr. Citarella**, noting that the Syrian Arab Republic accommodated many refugees from Arab countries beset by armed conflict, asked whether there was a programme of assistance for unaccompanied child refugees.

24. **Mr. Parfitt** asked what the State party was doing to identify child asylum-seekers or unaccompanied migrants likely to have been involved in an armed conflict abroad and what it was doing to facilitate their physical and psychological rehabilitation and integration into Syrian society.

25. He asked what the Syrian authorities were doing to ensure that no weapons were exported to countries where children might be recruited for the purpose of participating in hostilities.

26. The delegation was also asked to outline the efforts made by the State party in peace education.

27. **Mr. Krappmann** asked what the Ministry of Education was doing to promote peace education, tolerance and mutual understanding in the education system.

28. **Ms. Vuckovic-Sahovic** requested information on the situation of children in the occupied Syrian Golan and asked why men from age 17 to age 46 were required to request special authorization in order to be able to leave the country.

29. **Mr. Siddiqui** asked whether the Syrian system of birth registration was efficient, whether it covered the territory in full, especially remote rural areas, and whether births had to be declared immediately by parents.

30. **Ms. Aidoo**, welcoming the removal of all military instruction in school curricula in 2003, asked whether new teaching methods based on a culture of peace and tolerance had been introduced at that time. She asked whether the Syrian Arab Republic had been involved in international cooperation activities to allow Syrian children from the Golan to exercise their rights to education, health and social services.

31. **The Chairperson** asked when the State party intended to ratify the Statute of the International Criminal Court, which it had signed in November 2000.

*The meeting was suspended at 10.50 a.m. and resumed at 11.10 a.m.*

32. **Ms. Astour** (Syrian Arab Republic) said that the report under consideration had been drawn up by a national committee comprising members of governmental bodies, representatives from NGOs and members of civil society.

33. The Syrian Arab Republic planned to incorporate issues relating to human rights and children's rights into school curricula but the curriculum revision process would take four to five years.

34. The only information available on the situation of children in the Israeli-occupied Golan was that contained in studies of the matter conducted by the United Nations Economic and Social Commission for Western Asia. Given that its margin for manoeuvre was heavily restricted by Israeli policy, the only thing the Syrian Arab Republic could do was to broadcast educational radio and television programmes for Syrian children in the Golan.

35. **Mr. Al Basha** (Syrian Arab Republic) said that article 6 of the Military Service Act set a minimum age of conscription of 19, except in times of war or in the event of an emergency where it was age 18. The compulsory recruitment of persons under age 18 and the act of involving them in hostilities were criminal offences.

36. Voluntary recruitment in the Syrian Arab Republic was on the basis of a contract that only a person age 18 or over was able to sign. The Syrian delegation was unable to supply examples of cases in which the provisions of the Convention and the Optional Protocol had been invoked before the courts. However, in one of its judgments the Supreme Court had reaffirmed that the provisions of the Convention were directly applicable and prevailed over national law, including in the event of a conflict between national provisions and international rules.

37. On the matter of extraterritorial jurisdiction, insofar as the war crimes of conscription or recruitment of children into armed forces or armed groups and the direct use of children in hostilities were concerned, the Penal Code made the recruitment of minors, whether forced or otherwise, a criminal offence, especially where the crimes in question were committed by or against Syrian nationals. Where such recruitment was conducted abroad by a Syrian national in a country which had ratified the Optional Protocol or was obligated to the Syrian Arab Republic under a bilateral extradition agreement, an extradition request was made to that country and in the event of a positive response the individual concerned was extradited and could be tried and convicted in the Syrian Arab Republic. Those provisions applied whether the offence was committed by an individual or an organized group. Syrian law was clear on that matter and referred to any individual whether Syrian or alien who engaged in or encouraged recruitment. Several technical problems were yet to be resolved with regard to aliens who committed that type of offence.

38. The Syrian Arab Republic intended to ratify the Rome Statute but had to have regard to the fact that the country was in a sensitive region.

39. Any doctor who attended a woman in childbirth was required to declare the birth within three days and incurred penalties for failure to do so. The birth could also be declared by a close relative if parents were unable to make the declaration. Any individual who had not been registered at birth had to appear before a panel of experts who determined his or her biological age. The number of cases in this category had been falling over time.

40. The Syrian Arab Republic regarded Arab countries as brother countries and therefore their nationals were not subject to a visa requirement. Nonetheless, measures had

been taken a short while previously to control the influx of refugees from Iraq, and Iraqi nationals now needed a visa to enter Syrian territory. In view of the massive influx of Iraqi refugees (about 2,000 a day) it was not possible for every child whose age needed to be determined by a doctor's examination to be given an examination to that end.

41. The immigration from Iraq had had repercussions for schools, and the average number of pupils per class had risen from 30 before the Iraq war to the current figure of 50. The large class sizes, the differences in dialect between Iraqi and Syrian Arabic and the fact that Iraqi pupils had not followed the full school curriculum in their own country had produced comprehension difficulties and was dragging the level of education down. The Commission for Family Affairs was doing its best, but it was impossible to enrol all the Iraqi children in schools. Primary and secondary education, including school textbooks, were free of charge for all Arab children, and in higher education students were charged only for textbooks. In view of the influx of refugees and a lack of resources, which was due among other things to the absence of international aid, it was difficult to guarantee the quality of education.

42. **Mr. Al-Hussami** (Syrian Arab Republic) said that the members of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories had been able to visit the Syrian Arab Republic, Egypt and Jordan, but had not been authorized by Israel to visit the occupied Golan territory or any other Arab territory under its occupation: that factor explained why reports on the situation in that region were deficient. The Syrian Arab Republic, however, drew up annual reports on the Golan which were considered by the Human Rights Council. Resolutions had been adopted but Israel failed to comply with them. The current situation, in particular with regard to the protection of children in times of armed conflict, was not due to deficiencies in the international system or international humanitarian law, but to the hegemony of certain major powers which refused to punish Israel. The international community, including the Committee on the Rights of the Child, had to demonstrate solidarity to ensure that international instruments, especially article 1 of the Geneva Conventions, were finally implemented.

43. Pursuant to the law of armed conflict, all parties to the Geneva Conventions had to respect international humanitarian law and facilitate the operations of humanitarian organizations. The Israeli occupying forces were preventing access by the Syrian Red Crescent Society to the occupied Syrian Golan in defiance of a Resolution adopted by the International Red Cross and Red Crescent Movement calling for the Red Crescent to be able to provide protection to people living in the occupied Golan territory, including children. No international organization was currently present in the Golan to protect children whose rights were being violated daily.

44. If the Committee on the Rights of the Child wanted information on violations of children's rights in the Golan, the Syrian Arab Republic could forward it a copy of the report it submitted every year to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

45. The Convention and its two Optional Protocols did not provide for an international mechanism to which recourse could be made in the event of serious, repeated violations, for example in order to protect the rights of children in the Golan. If the Committee on the Rights of the Child genuinely wanted to protect the rights of these children, the most vulnerable members of society, it would have to investigate the situation of children in the occupied territory following an attack.

46. The Syrian Arab Republic had established a committee with responsibility for creating an environment which encouraged respect for international humanitarian law and for conducting dialogues with humanitarian organizations.

47. **Mr. Filali** asked whether that committee was responsible for raising public awareness of the provisions of the Convention and its Optional Protocols and whether there were any measures to prevent children being recruited with a view to involving them in armed conflict outside the Syrian Arab Republic.

48. **Mr. Al-Hussami** (Syrian Arab Republic) replied that the committee was responsible for providing protection to children and assistance in the event of armed conflict or natural disaster and had drawn up action plans to that end. The Commission for Family Affairs, the Ministry of Social Affairs and Labour and other government agencies were responsible for putting those measures in place and implementing them. The committee worked alongside the Syrian Arab Red Crescent and its programme included recruiting volunteers in each Syrian family and training them in international humanitarian law, the provisions of the Protocol and the action they should take in the event of a humanitarian disaster or armed conflict. International humanitarian law was taught in schools and at university.

49. The Syrian Arab Republic was not involved in any peacekeeping operation.

50. **Ms. Khattab** asked whether peace education was provided for in the school curricula.

51. **Mr. Al-Hussami** (Syrian Arab Republic) stressed that the Syrian Arab Republic was the cradle of the three monotheistic religions which advocated peace, tolerance and goodness, but that it was difficult to promote peace at national level when war was ravaging neighbouring countries. The Syrian Arab Republic did its utmost to maintain the traditional values of peace and friendship among its people, indeed those values were set out in the Constitution. Legislation making the recruitment of children a criminal offence only had legal force in respect of Syrian children. The Government had learned of children being used by armed groups in the Golan only through the Red Cross reports on the situation in that region.

52. **Mr. Annan** (Syrian Arab Republic) said that there were no paramilitary training camps in the Syrian Arab Republic and that activity of that kind was absolutely prohibited. The Syrian Arab Republic did not export arms and its legislation criminalized possession of arms by civilians, whether children or adults.

53. The Syrian Arab Republic was accommodating 1.5 million Iraqi refugees, hundreds of thousands of Palestinian refugees, refugees from Somalia and other countries in the Horn of Africa. Some school classes now had as many as 60 pupils. The arrival of Iraqi refugees had pushed up the cost of food and rent.

54. **Mr. Filali** asked for details on the ratification procedure for the Rome Statute of the International Criminal Court.

55. **Mr. Annan** (Syrian Arab Republic) replied that experts from the Ministry of Foreign Affairs were analyzing the texts the State planned to ratify. The Rome Statute, which was being scrutinized for the purpose of ratification, contained provisions which might have implications for the security and sovereignty of the country and was therefore a matter for the People's Assembly.

56. **Ms. Astour** (Syrian Arab Republic) said that progress had recently been made with regard to aid for the physical and psychological rehabilitation of children who had been involved in armed conflict. In March 2007, UNHCR and the Red Crescent had proposed providing support to help establish four consultation centres in Damascus as well as centres for refugees, especially those from Sudan and Somalia. Centres of this kind would be able to run activities to help the most deprived individuals and to offer therapies to people who were traumatized. The Syrian Arab Republic was also working with UNICEF.

57. **Mr. Filali** noted that the Syrian Arab Republic appeared to be resolute in its determination to pursue efforts to protect children living in its territory, whether they were Syrian, from other countries or other continents, including Africa. The Committee was aware of the difficulties encountered by the State party, especially with regard to implementing international conventions relating specifically to children's education. The concluding observations of the Committee would focus particularly on the recruitment of children, the jurisdiction of the Syrian authorities over recruitment-related offences committed by aliens, the issue of refugees and their integration into Syrian society and peace and reconciliation education in schools.

58. The Committee requested further information on the situation of children in the Golan.

59. **Ms. Astour** (Syrian Arab Republic) said that the delegation would forward the recommendations made by the Committee to the Syrian authorities in order to improve the implementation of the Optional Protocol and the Convention and to raise public awareness of them.

*The first part (public) of the meeting rose at 12.20 p.m.*

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