

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE RIGHTS OF THE CHILD 43RD SESSION

SYRIAN ARAB REPUBLIC, (INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY)

Information submitted to the Committee.....	1
Themes and Issues.....	2
National Action Plan.....	2
Child trafficking and sexual exploitation.....	2
Criminal penalties.....	2
Adoption laws.....	3
Juvenile courts.....	3
Foreign domestic workers.....	3
Marriages of pleasure.....	3
Age of sexual consent.....	4
Precedence of international law.....	4
Conclusions and next steps.....	4

Information submitted to the Committee

The Syrian Arab Republic (Syria) submitted its initial report on the *Optional Protocol on sale of children, child prostitution and child pornography* (OPSC) as well as written replies¹ to Committee on the Rights of the Child's (the Committee) list of issues.² The report was due in 2005.

Child Helpline International, a non-governmental organisation (NGO) submitted a parallel report to the committee.³ The main focus of the report was an argument for a three-digit child phone helpline in Syria. Information from NGOs was examined during the 43rd pre-sessional working group.

¹ Available in Arabic only.

² The state report, list of issues, answers to the list of issues, General Comments, and the concluding observations of the Committee as well as the reservations, declarations and understanding of the State party are available at <http://www.ohchr.org/english/bodies/crc/crcs43.htm>

³ NGO reports are available on the Child Rights Information Network at <http://www.crin.org/docs/resources/treaties/crc.25/annex-vi-crin.asp>

Syria has ratified the *Convention on the Rights of the Child* (the Convention), the *Optional Protocol on sale of children, child prostitution and child pornography* (OPSC) and the *Optional Protocol on the involvement of children in armed conflict* (OPAC). However, Syria emphasised that its ratification of OPSC does not mean that under any circumstances that it will enter into agreements or dealings with the State of Israel that may be referred to in the Protocol. The delegation also announced that the Syrian Government has withdrawn its reservations to Articles 20 and 21 of the Convention.

Themes and Issues⁴

National Action Plan

The Syrian delegation announced the development of a Syrian **National Action Plan** for the protection of children from violence (October 2005). The aim of the Plan is to implement the State party' obligations in the Convention.⁵ Furthermore, the delegation pointed out that the Syrian Commission for Family Affairs has established a National Committee to review all national legislation relevant to the issue.

Child trafficking and sexual exploitation

The Committee pointed out that Syria did not have any well-defined laws governing the sale and trafficking of children, nor did they have any reliable statistics related to the trafficking of children and child prostitution. The State party maintained that Syria was a transit point for trafficking in children, rather than it being an endemic problem across Syria. However, child trafficking and prostitution has increased over the last several years due to the influx of Iraqi refugees and Lebanese. Consequently, Syria announced that it has doubled its efforts to combat child trafficking and prostitution.

The Committee also asked the State party whether it had any statistics regarding the number of street children and school drop-outs. It was pointed out these groups were vulnerable to sexual exploitation. The delegation responded that it did not, commenting that it was very difficult to differentiate between "street children" and those who work on the streets for their parents. The committee recommended that the Syria develop a comprehensive National Plan of Action to deal with homeless and street children.

In its concluding observations, the Committee recommended that the State Party ensure that specific research is undertaken on the nature and extent of the sale of children, child prostitution and child pornography, and that the data be disaggregated with respect to age, sex, and minority group. It also advised further study into cross-border trafficking.

Further, the Committee expressed concern that victims of child trafficking were often "expelled" to their countries of origin. Syria responded it took all measures to ensure the safe return before deporting the child.

The Committee also inquired as to whether the National Committee was reviewing how it deals with the issue of child trafficking. The State party answered that a separate committee in another ministry handled the issue.

Criminal penalties

⁴ For a press release of the proceedings, please see [http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/A15350E1AC263130C12571EE00615670?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/A15350E1AC263130C12571EE00615670?OpenDocument)

⁵ 56 Million Syrian Pounds (approximately \$1 million USD) was allocated to the Action Plan.

The Committee criticised the State party for its lenient penalties regarding the sale of children, child pornography and prostitution.⁶ Syria responded by stating that penalties had not been updated since the 1960s and 1970s.

The Committee recommended in its concluding observations that the State party amend its criminal code to cover all the offences in accordance with Articles 2 and 3 of OPSC. It also suggested that Syria change the age limit for the definition of a child to 18, as well as ratify the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Woman and Children*.⁷

Adoption laws

The issue of fair and equal adoption was raised in the context of child trafficking. The State Party announced that it has withdrawn its reservations to Articles 20 and 21 of the Convention, which deal with the adoption of children. It stated that it was actively encouraging *kafalah* adoption and was seeking to de-stigmatisate parentlessness. The Committee also questioned the practice of allowing adopted children to only inherit one fifth of the estate. The Syrian delegation responded that at the end of 2005 the *mufti* had recommended this be raised to one third, and the delegation expected this to be implemented shortly.

Juvenile courts

The Committee took note that there were no judges in Syria who specialised in dealing with juvenile crime.⁸ It asked how children were informed about their rights in Court, as well as the provision of social, psychological and rehabilitative services. The delegation replied that children could not be present in court without parental or legal accompaniment; if necessary, a lawyer will be provided free of charge.

The Committee also expressed concern that the testimony of a child in a rape case was not treated as equivalent to that of an adult. The State party confirmed this, stating vaguely that a child's testimony would be treated "as that of a child."

The Committee also repeatedly asked about the number of times a child might be required to repeat his or her testimony, which can be psychologically traumatic. In the concluding observations, the Committee recommended that the State party consider means of recording testimony in order to address this issue. In addition, the Committee advocated the use of child-sensitive procedures during the justice process, such as special interview rooms and child-sensitive methods of questioning.

Foreign domestic workers

The Committee raised the issue of unregistered Asian girls coming to work in nightclubs, and the kind of protection the government offered them. The delegation responded that this was a new phenomenon, but so-called "Asian maids" often immigrated to Syria as domestic workers. The delegation assured the Committee that the government had promulgated a bill to register these individuals. It also reported that many of these girls have fled to centres that deal with abuse, as well to the UN High Commissioner for Refugees (UNHCHR).

Marriages of pleasure

⁶ The sale of children is not explicitly prohibited in Syria. In addition, children are not specifically referenced with respect to prostitution and pornography. Jail terms for these crimes range from three to five years, with a maximum fine of approximately \$3 USD.

⁷ Supplementing the UN *Convention against Transnational Organized Crime* (2000).

⁸ However, Syria has set up a system of juvenile courts.

The Committee inquired about the recent trend of “marriages of pleasure” where young girls are betrothed to rich men from the Gulf States. Generally, these religious marriages last a very short time, but result in pregnancy and subsequently unregistered children. The State party replied that this practice is only common with one religious sect, and is not widespread. If the husband is not of Syrian nationality, he can leave the country and is not obligated to pay alimony. However, once pregnancy occurs the child will be registered with the civil authorities and will enjoy full rights as a Syrian citizen. The delegation explained that poverty was the root cause of this practice, and measures are currently being taken in conjunction with the UN Development Fund for Women (UNIFEM) to address the issue.

The Committee recommended in its concluding observations that the State party provide the victims of this practice with the necessary physical and psychological recovery and social reintegration.

Age of sexual consent

The Committee also expressed concerns that Syrian law does not prohibit an adult from having a sexual relationship with a 15-18 year old child. The delegation reiterated that this was an issue of the cultural acceptance of early marriage, which it was gradually addressing through awareness campaigns.

Precedence of international law

The Committee inquired about the principle - present in the national code - which sets out that international law takes precedence over national law when a conflict emerged between the two. It asked if there had ever been a case where the Convention had superseded a national law. Syria replied that there has not been such a case.

Conclusions and next steps⁹

The Committee touched on all relevant issues covered by OPSC. However, it did not pursue the problem of child trafficking to a great extent, nor adequately inquire into specific measures that the State party was taking to combat it.

Syria does not have legislation that recognises the sale of children, child prostitution or child pornography as crimes in their own right. Consequently a lack of data exists on these issues. The sanctions for these crimes also tend to be out of date.

In its concluding observations, the Committee reflected the suggestion of Child Helpline International by recommending that Syria ensure that the helpline planned for 2007 be three-digit, toll-free and available 24 hours a day.

The Country Rapporteur, Mr Pollar, believed the State party was serious about its commitments. The Committee will send its recommendations to the Cabinet of Ministries, the People Assembly, and to local people's councils.

The State party assured the committee that the political will for implementation of the recommendations exists, but there remained many entrenched cultural customs to overcome, such as taboos on the discussion of sexual violence and child abuse. In addition, the government has little available data to use for planning, and that which it does have tends to be not properly classified and organised.

⁹ The Committee's concluding observations are available at http://www.ohchr.org/english/bodies/crc/docs/co/CRC_C_OPSC_SYR_CO_1.pdf

TREATY BODY MONITOR STAFF

Meghna Abraham, Program Manager, Information Program

Claire Mahon, Human Rights Officer, Information Program

Eléonore Dziurzynski, Communications Officer, Information Program

Tony Morris, Information Program

ABOUT THE PUBLICATION

The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the seven treaty bodies and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm/TMBs>.

FEEDBACK

We would welcome your feedback on this publication so please send any comments and suggestions to information@ishr-sidh.ch.

COPYRIGHT AND DISTRIBUTION

Copyright © 2006 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

DISCLAIMER

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on or any use of this publication. We are however happy to correct any errors you may come across so please notify information@ishr-sidh.ch.