COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE 362nd MEETING

Held at the Palais des Nations, Geneva, on Friday, 17 January 1997, at 3 p.m.

Chairperson: Mrs. SARDENBERG
(Vice-Chairperson)

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In the absence of Mrs. Belembaogo, Mrs. Sardenberg, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Syrian Arab Republic (continued) (CRC/C/28/Add.2; CRC/C/Q/SYR.1 (list of issues); written replies by the Government of the Syrian Arab Republic with no document symbol, in English)

1. At the invitation of the Chairperson, the delegation of the Syrian Arab Republic resumed its place at the Committee table.

2. The CHAIRMAN invited the delegation to reply to the questions not answered at the previous meeting.

3. Mr. NSEIR (Syrian Arab Republic) said that his country did its utmost to ensure the best interests of the child - an essential factor in the implementation of the Convention on the Rights of the Child. The matter had been taken into account in several pieces of legislation. For example, as pointed out in paragraph 54 of the initial report (CRC/C/28/Add.2), if a number of persons were entitled to custody of the child, the judge had the right to select the most appropriate; and if an estranged wife had children over five years of age, the judge could place them in the custody of either of the spouses, taking into consideration the interests of the children.

4. The best interests of the child were also ensured in the education system. In primary and secondary schools, representatives of the children participated in the school council and in decision-making, especially with regard to matters of discipline and the curriculum. The best interests of the child were also manifested in the free access to education at all levels of the system. The same applied to the health services. In addition, all cultural, sporting and leisure activities were free for children. There were specialized institutions to care for homeless and disabled children, although the preference was that children should remain in their families as the most suitable environment for their development. The mass media and the school system were also used to promote respect for children and improvement in their treatment.

5. Miss JARF (Syrian Arab Republic) said that the refusal to admit married girls to school did not amount to discrimination. The purpose was to prevent early marriage, not to deny such girls their right to education. The education authorities were planning to make education compulsory up to completion of the secondary level, so that parents would be obliged to send their children to school until that age, subject to penalties of imprisonment.

6. Free literacy programmes were also operated throughout the country to provide training up to the secondary level for men and women. The programmes were run by the Women's General Federation in collaboration with the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Federation was establishing nurseries, even in remote villages, to look after children.
while their mothers attended the courses. There were also television programmes teaching reading and writing and general secondary subjects.

7. The requirement that the father must give his consent before a child could make a journey with the mother had been cited as an example of discrimination. The Federation was currently sponsoring legislation to establish equal treatment in that respect whereby the father would have to obtain the mother's approval for such a journey.

8. The fertility rate had declined from 6.8 to 4.2 children per woman as a result of the Government's information and awareness programmes, carried out by the Ministry of Health and its family planning services.

9. Children suffering from minor disabilities were accepted in the ordinary schools, while those with more severe disabilities were catered for in special centres. There were also centres, run in collaboration with non-governmental organizations (NGOs), that provided training for parents in the care of disabled children. Three seminars on such training had been held over the past two years. UNESCO was cooperating with the Government in providing training for the parents of mentally disabled children. Bilateral arrangements had also been made with the Australian Government and with Swedish organizations for the provision of such training. All those activities showed the Government's concern to incorporate disabled children into the education system and prevent discrimination against them. It was also trying to provide opportunities for the suitable employment of disabled persons.

10. There were several Syrian-produced radio and television programmes for children, including animated cartoons, which provided guidance on a range of practical topics. Other programmes were produced by NGOs working in Syria.

11. Mr. Dawalibi (Syrian Arab Republic) said that several questions had been asked about citizenship and the Kurdish minority in Syria. Syria had no problem with its ethnic or cultural minorities and many Kurds had lived in the country since independence with the full rights and obligations of citizenship.

12. There was, however, a problem of illegal Kurdish immigrants, large numbers of whom were fleeing difficult situations in neighbouring countries. The international community urged Syria to grant citizenship to such persons on humanitarian grounds and, in the case of children, on the basis of the provisions of the Convention. The rights of children could not, however, be viewed in isolation from the political context. All countries had legislation governing the entry and naturalization of foreigners, and Syrian legislation in the matter was no more discriminatory or rigid than that of other countries. States parties to the Convention could not be obliged to grant citizenship to everyone entering their territory illegally.

13. His Government was well aware of the political dimensions of the situation and, on humanitarian grounds, it did not exclude the possibility of helping stateless persons. A committee had been set up to consider the question but had not yet completed its work.
14. The Committee was engaged in discussing with his delegation the initial report on Syrian children and not a report on the children of illegal Kurdish immigrants. It might be more relevant to discuss the problem of the children living in the Syrian Arab Golan Heights. According to a recent report of the International Committee of the Red Cross (ICRC), the occupation forces had since 1982 been banning cross-frontier visits by members of separated families. That situation clearly had a very serious emotional impact on such families and their children.

15. Mrs. KARP said that she might have been misunderstood at the preceding meeting. Her question had concerned the specific right of children to have their opinions heard when decisions were being taken concerning their welfare. She had referred to the apparent lack of legislation obliging judges and other officials, including social workers, to give children a personal hearing in such situations. It was vital that Syria should bring its legislation into line with the Convention in that regard.

16. Mr. HAMMARBERG said that the Committee was seeking to establish the true situation in Syria and to discuss remedies for any deficiencies. The delegation must therefore try to understand the issues raised and show a willingness to investigate possible problems. In that context, the statement just made by Mr. Dawalibi was most unfortunate.

17. The Committee had raised the issue of a number of Kurds who, according to Syria's national census, had been born in its territory but had not received citizenship. The delegation maintained that the law allowed such persons to obtain citizenship, but the Committee understood that the process was a long and bureaucratic one. The delegation had, however, politicized the issue by questioning the Committee's right to raise it. The Committee was not asking anything more than it asked of any other country and it was not saying that any person entering Syria had a right to citizenship.

18. On the question of the best interests of the child, he welcomed the information given about the law and the legal procedures, but one aspect had not been covered: the best interests of the child in the event of a conflict of interest with the authorities or with the parents or other family members. While it was certainly right to have a pro-family policy, there were cases in which children were abused by their families. They then needed the protection of specific legislation. It would be useful, therefore, if the Government were to study the implications of article 3 of the Convention for its children's policies.

19. The reply to the questions about disabled children had been constructive and showed an understanding of the implications of the Convention. It was crucial that disabled children should attend school so as to prevent their marginalization in society. The policies were in place, but it was not clear that practical action had been taken to implement them, for example with regard to constructing means of access for children in wheelchairs and providing information and guidance for teachers. Moreover, the teacher/pupil ratio was still large in Syria, so that coping with disabled children constituted a major burden for teachers. Extra support was therefore needed, and practical steps should be taken to furnish it.
20. Mrs. SANTOS PAIS said that everyone agreed that the principle of the best interests of the child was a very general one that applied to all parts of the Convention and to all policies for children. However, in the event of a conflict either between the general interest of society and that of an individual child or between different basic rights of a child, things became more complicated. The case of preventing married girls from attending school offered a good example of both kinds of conflict.

21. Syria's attempts to prevent early marriage represented the general interest of society, but it was in the interest of the girls concerned to continue their studies as well as care for their children. There was also the problem of stigmatizing such girls by preventing them from attending school. It was essential to focus on the best interests of the girl and not to punish her twice over by social stigmatization and denial of access to education. Syria's solution did not seem to be in the best interests of the child and a different approach should be adopted.

22. Legislation must protect against all the forms of discrimination listed in the Convention and apply to all children under the jurisdiction of the State, including refugees. While she could accept the argument that it was usually difficult to acquire the citizenship of a foreign country, that was not the question at issue. The children under consideration were not in possession of passports or other identity documents; they were stateless. They had no alternative to Syrian citizenship. She hoped that the situation of such children in the Syrian Arab Republic would improve before its next periodic report was considered and that the Committee's concern on the subject would be conveyed to the competent authorities.

23. Mr. MOMBESHORA said that many of the causes of infant mortality, such as congenital anomalies and prematurity, were easily preventable. It appeared that little use was made of antenatal clinics and the rate of home deliveries was still high in many areas. Perhaps women were not fully aware of the benefits of such facilities, including the monitoring of high-risk pregnancies. He hoped something would be done to remedy that situation.

24. Mrs. KARP said that the delegation had not answered her question regarding medical treatment for children. What she wanted to know was whether children could consult general practitioners or specialists for treatment or advice without their parents' consent. For instance, could contraceptives be prescribed to girls aged 14? Was there a telephone hot line in the country that children could use to seek advice on their health or other problems?

25. Mr. NSEIR (Syrian Arab Republic) said he welcomed the comments and recommendations made by the Committee, acknowledging that there was room for improvement in many areas affecting children. Such progress could only be achieved, however, in accordance with the principles underlying Syrian culture and society. Mr. Hammarberg had made a very valid point regarding the disabled and education. To provide special training and facilities, greater material resources were needed, for which his Government had requested international assistance from United Nations bodies and NGOs.
26. Young girls who married early were not prevented from attending school by law. The measures in question had been adopted by the Ministry of Education and were therefore subject to review. As to whether the best interests of the child were taken into account in court decisions, he was not certain of the existence of specific legislation to that end, but would be able to provide more information on the subject in due course.

27. Replying to Mr. Mombeshora's questions, he said that better health care for women was considered to be one of the major goals to be attained in the near future, on the basis of the resources available. Girls could be prescribed contraceptives only from the age of 18 onwards since, in keeping with Syrian legislation and customs, sexual relations were not permitted outside marriage.

28. Miss JARF (Syrian Arab Republic) said that preventing young married women from attending school was aimed at discouraging parents from arranging early marriages and not at punishing the girls concerned.

29. High-risk pregnancies currently occurred most frequently in women between the ages of 40 and 50, but early pregnancy remained one of the causes of premature births. Considerable progress had been made in creating awareness of the disadvantages of early pregnancies; efforts had been made to promote health care during pregnancy and to improve the facilities and services available, including the monitoring of high-risk pregnancies; drugs were prescribed free of charge to all pregnant women and family planning was actively encouraged. Ultimately, however, the decision rested with the persons concerned and some women chose to continue their pregnancies in spite of the risks involved.

30. The CHAIRPERSON invited the members of the Committee to ask questions concerning the sections of the initial report entitled “Education, leisure and cultural activities” and “Special protection measures”.

31. Mrs. BADRAN said that, some months previously, she had attended a seminar at Aleppo, organized by the Syrian Women’s General Federation, in cooperation with UNICEF, to train government staff and NGOs on the implementation of the Convention. At the seminar, recommendations had been adopted on many of the issues raised by members of the Committee including early marriage and education. Unfortunately, such issues had not been covered in the initial report which had been drafted before the holding of the seminar.

32. It had emerged from the discussion that the ban imposed by the education authorities on school attendance by married girls had arisen in part from the fear that their attendance at school would lead to a discussion of sex and pregnancy. Sex education had subsequently become part of the national school curriculum, so that reason was no longer a valid one.

33. The question of the participation of children had also been extensively discussed and, it was her understanding, given the similarity of Egyptian and Syrian law, that the views of children were invited in certain circumstances, including cases of separation and custody.
34. Mrs. EUFEMIO said it appeared from the information available that, in Syria, children of preschool age had little opportunity for socialization and education in a spirit of peace and tolerance. That was regrettable, since the first few years of life represented such a crucial stage in children's development. Perhaps the education authorities might consider some improvement along those lines, even if it meant using some of the resources normally allocated to primary school education.

35. Moreover, the aims of primary education did not seem to be in keeping with those outlined in article 29, paragraph 1, subparagraph (d), of the Convention and thus would not prepare children for a responsible life in a free society. In view of the fact that the Syrian Arab Republic was a multiracial and multi-denominational society, she hoped that it would be possible to take account of those aspects in the national primary school curriculum in the future.

36. Mrs. SANTOS PAIS said that, according to the Convention, States parties should ensure realization of the economic, social and cultural rights of children by undertaking measures to the maximum extent of their available resources, yet defence seemed to be given priority over the social sectors in the Syrian budget. There was clearly not enough investment in education, which might in part explain the high drop-out rate from schools and the disparities between the urban and rural areas. More resources must be injected to provide better quality education. She also hoped that the recommendations made at the Aleppo seminar, particularly regarding sex education, would be reflected in the school curricula of the future.

37. Access to specialized training facilities and personnel by disabled children was not necessarily the best approach, since it might ultimately lead to segregation and discrimination. It would be preferable if children with certain types of disabilities could be integrated into the community by attending ordinary schools, since contact with other children was vital for their social development.

38. The Convention highlighted the importance of the common responsibility and equal rights of parents concerning their children's welfare and upbringing. Consequently, both fathers and mothers should be entitled to take their children out of the country.

39. The delegation had said that the birth of children out of wedlock was not accepted in Syrian society. While not wishing to level any criticism there, she was concerned about what became of such children who might well be abandoned, institutionalized or stigmatized.

40. A recent study carried out by the Syrian Women's General Federation, in cooperation with UNICEF and the Central Bureau of Statistics, indicated that there was a tendency for parents, even the better educated ones, to inflict corporal punishment on children or to threaten them with such punishment. Since the Convention was opposed to any form of physical or mental punishment, on the premise that the participation of children through dialogue and confidence-building achieved the same results, she would like to know what steps were being taken to reverse that tendency.
41. **Mr. KOLOSOV** said he shared the previous speaker's concern at the evidence of fairly widespread corporal punishment and degrading treatment of children in Syrian families and schools. Such practices could be eliminated, as borne out by the case of Russia, where the problem had been resolved not through legislation, but by creating a greater awareness in families and among the general public. Children subjected to such treatment did not often become good citizens.

42. A further concern was the situation of street children, even those who slept at home but did not attend school and worked or begged on the streets for a living. The report referred to some kind of assistance being provided to them. Surely, however, preventive measures would prove more effective in the long run, although initially requiring some investment.

43. **Mrs. KARP** said that the fact that the initial report and the written replies were completely silent on the question of sexual abuse within the family - a phenomenon to which no society was immune - suggested that it was a taboo issue with which Syrian society had yet to come to terms. In that connection, it must be borne in mind that, where children were exposed to any form of abuse, the Convention overruled the principle that the family was the best environment for the child. The authorities should first carry out a study on the incidence of the phenomenon, after which specific legislation could be drafted and rehabilitation and training programmes put in place.

44. **Mr. HAMMARBERG** said that it might be useful to approach the review of the curriculum which was currently under way from the standpoint of compliance with aspects of the Convention such as non-discrimination and respect for the views of the child. Possible benefits might include integration of the concept of "inclusive education" (for example, in the case of disabled children), and a shift of emphasis from teaching to learning. With regard to discipline, it was not enough to ban corporal punishment in schools: there must also be a follow-up, to ensure that the measure was implemented in practice. He therefore urged the authorities to persevere with the steps outlined in their written reply to issue No. 31.

45. The sad truth was that, despite assertions by some delegations to the contrary, children were exposed to domestic sexual abuse in all countries. Social workers must be alerted to the problem. In societies where the issue was taboo, children sexually abused by their parents were liable to be both stigmatized and traumatized.

46. The Syrian authorities also appeared to accord low priority to the promotion of play activities both in and out of school: there should be more investment in playgrounds and play facilities in large communities.

47. Lastly, he wished to point out that when the initial report of Lebanon had been considered, the Lebanese delegation had identified children of Syrian migrants working temporarily in Lebanon as a vulnerable group, with whom its Government was not fully competent to deal, as they were not Lebanese citizens. That was a matter that should be taken up jointly by the Syrian and Lebanese authorities.
48. Mrs. BADRAN said that sociologists should be commissioned to look into the reasons for the high drop-out rate from primary and secondary schools.

The meeting was suspended at 4.50 p.m. and resumed at 5.05 p.m.

49. Miss JARF (Syrian Arab Republic), replying to questions on measures to protect children under the age of six, said that there were 1,037 day-care centres in the Syrian Arab Republic, staffed by more than 4,000 nurses and attended by 90,000 children. Instruction was given in such matters as hygiene, accident prevention, road safety, the environment, drawing, physical education, and respect for others and for society.

50. Children had opportunities to express themselves through the youth and Tala'i (Vanguard) organizations, and the Ministry of Education also encouraged self-expression through musical and artistic programmes, publications and cultural and folklore centres. Recreational parks for children were provided in newly built-up districts. The Youth and Tala'i organizations were starting to run summer camps to familiarize children with their environment and with ways of safeguarding it. Dance, song, drama, drawing and gymnastics competitions and swimming galas were also organized.

51. Corporal punishment in schools was banned, and the perpetrators disciplined. As for drop-out rates, the responsibility for dealing with children's social problems in the primary schools lay with the head teachers.

52. Mr. NSEIR (Syrian Arab Republic) confirmed that efforts were being made to follow up the legislation banning corporal punishment in schools and in the home by campaigns to change the traditional attitudes towards children. The problem of street children was not widespread in his country. Its incidence was linked to the drop-out rates from school, and to economic considerations: parents sometimes encouraged their children to beg. The Ministry of Labour had adopted some remedial measures, but greater efforts were, perhaps, needed to ensure that the problem did not get out of hand.

53. On the problem of the children of Syrian migrant workers in Lebanon, the two Governments were endeavouring to resolve the question jointly, but ultimate responsibility lay with Lebanon, as a sovereign and independent State.

54. Sexual abuse in the family was rare, and no statistics were available, but it was true that greater social awareness of the problem was needed. On the curricula and syllabuses, efforts had been made to bring school programmes into line with global scientific and cultural developments. Those efforts, however, called for very considerable resources. The review of the curriculum would certainly take into account the Convention, which would also be taught in law and medical faculties. Fuller details of curriculum contents could be forwarded to the Committee, if so desired.

55. Mrs. EUFEMIO said that the figure of 90,000 children cited as attending day-care centres represented a very low proportion of the total number of children of preschool age, and that the day-care centres charged fees for
their services. Her proposal had been that the authorities should identify some low-cost alternatives, with a view to increasing the coverage at preschool level.

56. Mrs. SANTOS PAIS said that the exception to the statutory ban on corporal punishment, whereby such punishment was allowed within conventional limits, opened the door to highly subjective interpretations and was counterproductive. Domestic legislation should be amended to bring it into line with the provisions of article 19 of the Convention. Countries such as Sweden, that had banned corporal punishment completely, found that legislation played a catalytic role in eradicating acceptance of corporal punishment as the norm. Campaigns should also be launched to raise awareness of the issue within the family.

57. Deprivation of liberty, interpreted in the broadest sense, should be used only as a last resort. Alternatives to institutional care should thus be considered, and the age of criminal responsibility brought into line with the age of majority.

58. The initial report somewhat optimistically described the Syrian system of juvenile justice as “one of the world’s most modern and advanced”. The study to which she had previously referred painted a very different picture: one of unhealthy living conditions in institutions, shortages of food, clothing and qualified staff, overcrowding and unduly harsh punishments. She thus urged the Syrian authorities to review the conditions in juvenile reform centres and to amend their legislation in that area.

59. Mr. HAMMARBERG said that there was a need for a legal review of the question of the institutionalization of children, an investigation into conditions in institutions, an independent regulatory and monitoring body and a mechanism for complaints.

60. Syrian child-labour legislation was, for the most part, modern, although that was not in itself enough to prevent a gap between law and reality. Certain provisions of its legislation relating to exceptions regarding the employment of children, such as on family farms, were a cause for concern and Syria should look carefully at the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) for guidance on how to amend its legal provisions.


62. Mrs. KARP recommended that the authorities take note of the proceedings and outcome of the Committee’s thematic day on the question of juvenile justice, which could help to provide a basis for developing new policies.

63. Mr. NSEIR (Syrian Arab Republic) said that he fully shared the concerns expressed by the members of the Committee and that his authorities were doing all they could to improve the situation of children. The basic structure was in place but it needed to be strengthened and revised to take care of areas in
need of reform. Syria would work with the United Nations agencies and cooperate fully with projects that would best serve the interests of the child.

64. It was true that work needed to be done on the question of preschool establishments. Kindergartens, specialists and teachers were available, but demand outstripped supply around the country, a situation which could only be remedied if adequate financial resources became available.

65. There were a few exceptions to the regulations governing the age at which a child could work, but the kinds of work involved and conditions were clearly specified. The issue would be looked at again and the Committee’s recommendations and comments would be passed on to the competent authorities for consideration.

66. Mrs. SANTOS PAIS said that it was easy to become bogged down in trying to find ambitious solutions to problems while overlooking simple answers. For example, in the area of juvenile justice, there was no need to go to the expense of building prisons and institutions. The solution did not lie in institutional care but in enhancing the role of the family and society.

67. Syria should identify priority areas of action and then seek the assistance of the relevant United Nations organ.

68. Mrs. EUFEMIO said there were alternative cost-effective and innovative alternatives in the area of preschool education. Some countries had enjoyed success with a family day-care system whereby a community or neighbourhood would organize a network of family homes that took it in turns to look after a group of children.

69. The CHAIRPERSON invited the members of the Committee to make their concluding comments to the delegation of the Syrian Arab Republic.

70. Mr. MOMBESHORA said that he was not entirely convinced that the best use was being made of the Syrian health services. For example, it was stated that a woman tended to stop breast-feeding her child after three months because she had become pregnant again, which implied a need for health education on what was available in terms of family planning and how to derive the maximum benefit therefrom.

71. The allocation of resources needed to be revised, not least since 31 per cent of the country’s budget was spent on defence, to the detriment of the social sectors, including health services which accounted for a mere 2 per cent.

72. Mr. HAMMARBERG said, with regard to the implementation of article 4 of the Convention, that the Government of Syria should look at ways in which it could ensure open discussion, when its budget was being adopted, on how best to serve the interests of the child.

73. The Committee had paid particular attention to the role and functions of the committees that dealt with children’s issues because it was sometimes the
case that high-level bodies, although set up with the best of intentions, actually impeded progress. Every care should, therefore, be taken to ensure that they functioned effectively.

74. It had also emphasized that education and information were needed to help prevent early marriage and recommended that a study be carried out on the question of child labour.

75. Mrs. KARP said that strategies to promote the participation of children in issues of direct consequence to them, and as partners in promoting their rights, were needed, as were measures to encourage the participation of society at large, NGOs and international bodies.

76. The concept of protection should be expanded to areas which remained taboo.

77. She hoped that the delegation would recommend publication of its dialogue with the Committee and the ensuing recommendations and conclusions and thus promote a public and parliamentary discussion on children’s issues.

78. Mrs. SANTOS PAIS said it was regrettable that no one with direct involvement in the policies and strategies affecting children had been sent from Syria as a member of the delegation.

79. There were several areas that demanded careful consideration. First, Syria should give thought to withdrawing some of the reservations it had entered to the Convention. Secondly, a legislative review was essential, with efforts to bring legislation into conformity with the Convention and to introduce new legislation, particularly in terms of the definition of the child, family law, child labour, juvenile justice, the prohibition of corporal punishment, non-discrimination and the status of girls and women. Cooperation projects on those issues with the international community should be considered.

80. Thirdly, vertical coordination, from the centre down to the local authorities, needed to be strengthened in order to promote a flow of information which could be used to assess the situation of children in all areas and give an idea of where priority action should be taken.

81. Mrs. BADRAN said she hoped that the Government of Syria would take heed of the outcome of the Aleppo seminar. The question of budgetary allocations should be looked into carefully so as to ensure a more balanced distribution of resources.

82. Mr. KOLOSOV said that the submission of a report and the resultant dialogue with the Committee were just a single stage of what should be an ongoing process aimed at improving the situation of children. Contact with the Committee in the inter-report period should be maintained. It was to be hoped that the delegation’s report on its exchanges with the Committee would be comprehensive and that it would urge that the recommendations and comments made be widely circulated.
83. **Mr. NSEIR** (Syrian Arab Republic) said that the dialogue with the Committee had been extremely enlightening and that there was true concern in his country for the situation of children. The report submitted to the authorities would fully reflect the views and comments of the Committee. It would be circulated to all bodies and ministries that dealt with children’s issues, including the National Committee, which was presided over by the Minister of Social Affairs and Labour. However, despite the best intentions, efforts to improve the situation of children took both money and time.

84. The statistics on the budget provided by UNICEF would be checked and the official statistics, which did not seem to tally with them, would be provided. The Committee’s comments, recommendations and conclusions should, if possible, be made available in Arabic so that they could be published without delay.

*The meeting rose at 6.05 p.m.*