



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 1178th MEETING (Chamber B)

Held at the Palais Wilson, Geneva,
on Tuesday, 19 September 2006, at 10 a.m.

Chairperson: Ms. KHATTAB

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Syrian Arab Republic under the Optional Protocol on the sale of children, child prostitution and child pornography

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The meeting was called to order at 10.10 a.m.

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

Initial report of the Syrian Arab Republic under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SYR/1; CRC/C/OPSC/SYR/Q/1 and Add.1)

1. At the invitation of the Chairperson, Ms. Alhalak, Mr. Bitar, Ms. Ghanem, Ms. Obeid and Mr. Raad (Syrian Arab Republic) took places at the Committee table.
2. Ms. GHANEM (Syrian Arab Republic) said that, since acceding the Convention on the Rights of the Child and its two optional protocols, her Government had reviewed the Penal Code, the Code of Criminal Procedure and the Juvenile Delinquents Act, in order to incorporate the principles of those instruments into its legislation. That had made it possible for the Government to withdraw some of the reservations it had made to the Convention and the optional protocols. Other legislative amendments ensured full protection for girls and women and eliminated gender discrimination. The definition of the child in Syrian legislation was in line with the definition in the Convention. Sexual abuse, exploitation and the sale or kidnapping of children were defined as serious crimes that incurred maximum penalties. Children who were victims of the crimes under the Optional Protocol on the sale of children, child prostitution and child pornography had the right to social and medical care and full protection under the Penal Code.
3. One outcome of the country's first conference on childhood had been a draft national action plan for the protection of children from violence, neglect and abuse. The plan had been approved by the President in October 2005, and some 56 million Syrian pounds (approximately US\$ 1 million) had been allocated for its implementation. The Syrian Commission for Family Affairs, which was responsible for coordinating implementation of the plan, had established local committees for the protection of women and children. The Commission, in cooperation with the United Nations Children's Fund (UNICEF) and the People's Assembly, had organized workshops for members of Parliament on the action plan. Research into the reasons for the sexual exploitation of children had been conducted in two major cities, and studies had been carried out on child and female prostitution. The results had been disseminated and would facilitate a targeted approach to those problems.
4. Two State-run specialized centres provided female juvenile delinquents with psychological and medical care, literacy classes and general training. A non-governmental organization (NGO) ran two shelters for victims of violence. The Central Bureau of Statistics was currently developing a gender-sensitive child protection database, and the Ministry of Social Affairs and Labour would launch a helpline in 2007. The issues of child protection and children's rights were being integrated into the school curricula, and their inclusion in higher education would be discussed at a national conference in October 2006. A handbook on children's rights was being produced for parents and teachers. A national awareness-raising campaign on violence against children had included billboards, posters, songs, television broadcasts and a story competition.

5. In June 2006, the People's Assembly had approved the country's latest five-year plan, which was considered a turning point in Syria's transformation to a free market economy. The plan aimed to foster good governance, strengthen the rule of law and enhance the role of civil society and the private sector. It included a poverty reduction strategy that focused on the poorest regions, which would receive resources to improve children's rights.
6. Workshops had been held on the implementation of the Committee's concluding observations, which had been forwarded to the relevant ministries, civil society organizations and NGOs. In 2003, Syria had hosted a regional workshop together with the Office of the United Nations High Commissioner for Human Rights in order to promote implementation of the Committee's recommendations. Information on the provisions of the Convention and the two optional protocols had been disseminated in training sessions and through the media. Several other national and international events had been organized to raise awareness of the implementation of the Convention and the protocols. Campaigns had been launched in schools to raise children's awareness of their rights under the Convention and the protocols, and a children's parliament had been established. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had launched a campaign to promote peace and non-violence among children as part of the International Decade for a Culture of Peace and Non-violence for the Children of the World. The Government, in cooperation with the private sector and NGOs, had developed the first national strategy on early childhood.
7. The Ministry of Foreign Affairs worked with the International Organization for Migration to combat sexual exploitation and trafficking in persons by assisting victims, building institutional capacity and training staff in relevant agencies. A national task force established to reduce trafficking in persons had proposed draft legislation to regulate crimes involving sexual exploitation and trafficking, particularly trafficking in women and children.
8. In May 2006, representatives of 18 Arab League States had attended a meeting of the technical advisory committee for childhood hosted by the Syrian Arab Republic. Priority had been accorded to the situation of children without parental care, child victims and child witnesses.
9. The Syrian Arab Republic took its obligations under the Convention and the optional protocols seriously and had ratified several other United Nations conventions during the reporting period. Among the difficulties that hindered the country's ability to implement the provisions of those instruments were a lack of resources, capacity, specialist expertise, and the political and armed conflicts in the region, including the occupation of the Golan Heights.
10. Mr. POLLAR (Country Rapporteur) requested additional information on the situation of children without parental care. It would be useful to have a full account of the agreement reached concerning the State party's withdrawal of reservations to the Optional Protocol. He asked whether the bodies that had been established to collect data on the issues covered by the Optional Protocol were independent and had sufficient resources. The State party should indicate how it controlled the movement of children across its borders, particularly in the light of the volatile situation in the region. The delegation should indicate the age range of the servant girls referred to in the initial report.

11. Mr. ZERMATTEN asked whether the status of child victims in court proceedings was regulated by the Juvenile Delinquents Act or the Code of Criminal Procedure. He wished to know whether children were represented in court free of charge, and whether representation by counsel was compulsory or whether a child could be represented by someone other than a lawyer. He would be interested in learning whether children were systematically informed of their right to social, psychological and reintegration assistance. The reporting State should indicate whether it planned to amend the legislation that prohibited children from testifying in some cases. It was unclear whether there was a limit on the number of times a child could be heard in court proceedings and whether audio or video recordings could be used when children gave evidence. He wished to know under what circumstances a court could authorize the dissemination of information on children, including their photograph, and whether such authorization was common. Additional information should be provided on measures to ensure that the crimes covered in the Optional Protocol were brought to the attention of the authorities and that the perpetrators were punished.
12. He requested updated information on the project to provide assistance to child and women victims. He asked whether all child victims who were provided with recovery assistance were either returned to their country of origin or placed in institutions. He would welcome additional information on any children who had been returned to their families and who had received psychological assistance to facilitate their reintegration into society. The delegation should provide details of cases in which child victims had received compensation.
13. Mr. PARFITT asked how and when the Syrian Commission for Family Affairs would address the State party's lack of legislation on the offences covered in the Optional Protocol. He wished to know whether the penalties for engaging in the sale of children, child prostitution and child pornography would be reviewed in order to make them commensurate with those crimes. He wished to know whether the Government and the recently established national task force planned to introduce legislation clarifying its jurisdiction in matters of extradition in order to harmonize Syrian law with article 5 of the Optional Protocol.
14. Mr. LIWSKI requested additional information on measures to prevent child prostitution, child pornography and the sale of children. In view of the crucial role played by the information media in overcoming taboos and educating the public, he wondered whether the delegation viewed the press as an ally or an obstacle, and what policies it favoured to encourage a constructive approach by the media. He asked whether teachers and health professionals received any training in detecting and reporting signs of abuse. He wondered whether there was any place where child victims could unburden themselves. He asked whether the prevention of the sale of children, child prostitution and child pornography would be incorporated into the country's poverty reduction strategy.
15. Ms. ALUOCH said that the delegation should describe the results of research on child prostitution in the Syrian Arab Republic. She wished to know what kind of professionals had been trained at the workshops mentioned by the delegation.
16. She asked whether the head of the delegation, as the chairperson of the Syrian Commission for Family Affairs, was in a position to put a stop to the practice of "temporary marriages", in which foreign men married girls as young as 12. Once such a girl became

pregnant, the man abandoned her. Moreover, a child born of such a “marriage” might not be registered. She requested further information about children from the villages who worked as domestic servants in the towns and who, being unregistered, were unaccounted for.

17. Mr. FILALI asked why the State party had not adopted legislation confirming that the Convention took precedence over Syrian law. In that connection, he asked whether the Convention had been invoked before Syrian courts. He expressed concern that preparatory acts were not considered part of the material basis of a criminal offence.

18. The CHAIRPERSON asked what steps were being taken to alert legislators to the need to increase penalties for honour killings, especially in cases where such killings were used as a pretext for murders of other kinds. She asked whether the Syrian Arab Republic had gathered any data on the commercial exploitation of children, as it was required to do under the Yokohama Global Commitment 2001, particularly with regard to child prostitution. Information was also needed on the numbers of street children who were vulnerable to exploitation. She asked what was being done to encourage street children, and other school dropouts, to resume their education. She requested further information on measures to protect children from involvement in pornography. She asked whether girls from Eastern Europe and Asia who were working in the Syrian Arab Republic were allowed to retain their passports and whether the passports were confiscated if the girls came into conflict with their employer. She asked what practical steps were being taken to monitor the incidence of trafficking in children, with particular reference to domestic servants.

19. She enquired whether the annual progress reports that all agencies concerned with implementation of the Optional Protocol were asked to submit were widely available. She requested clarification as to the minimum age for liability for offences covered by the Optional Protocol. It seemed that the law did not criminalize sexual relations between a 15-year-old and an adult and that the minimum age for prostitution was 16.

20. Ms. GHANEM (Syrian Arab Republic) said that, where it existed, child prostitution was the result of the large influx of refugees, especially from Iraq and Lebanon. The Ministry of Social Affairs and Labour had redoubled its efforts to control the problem, particularly with regard to orphans. The Rainbow for a Better Childhood organization had set up villages in the countryside for orphans and foundlings or arranged foster care.

21. Under Muslim law, an adopted child could inherit only one fifth of his parents’ property. However, a religious leader had recently proposed that that amount should be raised to one third. It was hoped that the proposal would be incorporated into Syrian law. A bill on inheritance by adopted children was currently under consideration by Parliament. The Cabinet had agreed on the withdrawal of the Syrian Arab Republic’s reservations to articles 20 and 21 of the Convention and a decree to that effect would be issued shortly.

22. Mr. FILALI said that, under sharia law, biological children could challenge adopted children’s claim to inheritance. He enquired whether the preferred term for children without parents was currently “orphan” rather than “foundling”.

23. Ms. GHANEM (Syrian Arab Republic) said that the preferred term was “orphan”. The Government was committed to promoting the mental and physical health of orphans and was studying ways to improve the services available in the centres attending to their needs.

24. With regard to trafficking, she said that Syria was primarily a transit country. The Government was cooperating with international partners to combat that phenomenon. A symposium had been organized in cooperation with the International Organization for Migration, and the national task force on sexual exploitation and trafficking had circulated a draft bill on the subject to government departments for comments.

25. The CHAIRPERSON enquired whether the State party had concluded any bilateral agreements with the countries of origin of girl victims of trafficking in order to prevent trafficking and protect the rights of victims.

26. Ms. GHANEM (Syrian Arab Republic) said that, although there were no bilateral agreements, the issue of trafficking was discussed with the victims’ countries of origin. Before any victim of trafficking was deported, the Government had to ascertain that the individual would not be subject to cruel or inhuman treatment. The Ministry of the Interior was working to combat the use of the Internet for the purpose of prostitution and to prevent trafficking in persons and the use of the Syrian Arab Republic as a transit country. To that end, surveillance of the borders with Iraq and Lebanon had been reinforced.

27. Honour killings were largely restricted to certain tribal areas and were related to the status of women in those areas. A petition to outlaw that practice had been submitted to the Government. The Government was endeavouring to promote equality between men and women and was reviewing the Civil Status Act and other legislation with a view to introducing a gender perspective. The Government was considering withdrawing its reservations to the Convention on the Elimination of All Forms of Discrimination against Women. Symposiums had been organized with the participation of religious leaders, and a national Internet-based campaign to promote women’s issues had been organized.

28. Mr. POLLAR asked what criminal penalties, including the death penalty, could be imposed on children.

29. Ms. GHANEM (Syrian Arab Republic) said that criminal penalties for children were less harsh than those for adults and could include measures aimed at rehabilitating the child. Children were not subject to the death penalty. Much existing legislation had been adopted some 30 years earlier, which explained why the fines seemed low when converted at current exchange rates.

30. Mr. PARFITT asked whether any coordinating institution had been established to ensure implementation of the international instruments to which the Syrian Arab Republic was a party.

31. Ms. GHANEM (Syrian Arab Republic) said the Syrian Commission for Family Affairs was the institution responsible for monitoring implementation of the Convention. The Commission had prepared a bill on juvenile delinquency and was also responsible for developing guidelines for reports to the Prime Minister and treaty bodies. It had also undertaken groundbreaking research on the suffering of women and children, a hitherto taboo subject.

32. Efforts were being made to promote children's right to express themselves. For example, the organization of a children's parliament would be a first step towards dealing openly with such issues as sexual abuse. The National Plan for the Protection of Children provided for the opening of a centre for the protection of the family in 2007. The Syrian Commission for Family Affairs intended to open a centre for child victims of abuse and the Prosecutor-General was coordinating a UNESCO-sponsored project to teach judges and police about the provisions of the Convention.

33. Mr. FILALI said that, while it was certainly important to teach those who worked with children about children's rights, he wondered what was being done to implement the Optional Protocol, teach children themselves about their rights and involve children in discussions of issues relating to their rights.

34. Ms. GHANEM (Syrian Arab Republic) said that the Government recognized the importance of informing children about their rights. Schoolchildren had been asked to make drawings that illustrated various rights; the drawings had been collected in a brochure that had been widely distributed. A children's parliament had been organized in the north-east of the country to give children in that isolated area an opportunity to express themselves. UNESCO had organized activities to combat violence against children, and children had been asked to write letters to the President to tell him about their needs. The Syrian Commission for Family Affairs had organized television spots promoting children's issues, and a campaign had been undertaken to encourage schoolchildren not to accept violence against them on the part of teachers or school administrators.

35. Mr. LIWSKI asked to what extent the issue of children's rights had been incorporated into the official school curriculum.

36. Ms. GHANEM (Syrian Arab Republic) said that education about the Convention had been incorporated in the curriculum up to the high school level. In cooperation with UNICEF, brochures explaining children's and women's rights had been prepared for parents, teachers and children. Television had been used to raise awareness of violence against children, a well-known singer had written a very popular song on the issue of child poverty, and an episode of a popular television programme had sparked a debate on the right to invoke the Convention on the Elimination of All Forms of Discrimination against Women in the courts to protect the rights of women.

37. In the near future, religious leaders would be asked to prepare a manual on children's rights from a religious perspective. Brochures on children's rights were being distributed and child victims of violence were being encouraged to share their experiences with decision makers. The Government was using the media to spread the message that every individual was entitled to respect for his or her human rights.

38. The employment of Asian domestic workers was a relatively new phenomenon. The Ministry of Social Affairs and Labour was preparing a draft bill to protect the rights of such workers and to ensure that they were registered with the Ministry of the Interior and that their working conditions were monitored by the Ministry of Social Affairs and Labour. Cases of abuse tended to be reported to shelters for victims or the local office of the High Commissioner for Refugees.

39. Very little data was available on violence against children. A unit to develop gender-sensitive children's data had recently been established within the National Statistics Bureau; all cases of violence against children would be reported to the unit. The Government required more assistance from international partners in collecting reliable data and promoting the rights of children. Syrian paediatricians and child psychologists were working on policies and programmes to promote children's rights in higher education. In November 2006, a seminar, organized by the Dean of the Faculty of Medicine in cooperation with a German association, would be held to exchange best practices for combating domestic violence.

40. The so-called "pleasure marriages" of young girls to older men tended to be limited to one religious group and were rare. A more common type of marriage, between a Syrian woman and a man from one of the Gulf States, was a contractual arrangement certified by a religious authority but not recognized as a civil marriage, although any resulting children and the name of the father could be legally registered. Problems arose in relation to such issues as alimony when the father was not resident in the Syrian Arab Republic. No reliable data on the problem of early marriage was available. The Government was making efforts to eliminate early marriage, which was not common and tended to occur in certain religious groups and among the poor or unemployed. The Government was working with the United Nations Development Fund for Women to promote the rights of the girl child, which included the prevention of early marriage.

41. Ms. OBEID (Syrian Arab Republic) said that early marriage performed by a religious authority was considered a legal marriage. It required the approval and presence of the girl's parents or guardians and could be registered with the civil authorities.

42. Ms. GHANEM (Syrian Arab Republic) said that religious marriages were not legally recognized unless they were certified, which could be done only if the woman was a minor and pregnant. Since customs that encouraged early marriage persisted despite the legal prohibition of marriage for girls under 17, the possibility of certifying the marriage was allowed for the sake of the child.

43. Ms. KHATTAB asked whether she was correct in thinking that the religious or customary marriage was not public, but contracted in the presence of only two witnesses.

44. Ms. GHANEM (Syrian Arab Republic) said that such marriages were not common in the Syrian Arab Republic.

45. Mr. FILALI asked what protection a child received if the father refused to recognize it.

46. Ms. OBEID (Syrian Arab Republic) said that, in the event of a conflict, it was important to have the marriage certified in order to protect the child's rights.

47. Ms. ALUOCH wished to know whether such marriages were still referred to as "temporary pleasure marriages".

48. Ms. GHANEM (Syrian Arab Republic) said that "pleasure marriages" were common only among Shiites in the Syrian Arab Republic. While no information was available on the extent of that phenomenon among the general population, there were fears that the number of

such marriages would increase as a result of the influx of Shiites from Iraq. Contracts for such marriages specified a time limit for the marriage. Although the circumstances in which such marriages could be contracted were very restricted, such as in wartime to prevent prostitution, they were often abused for the pleasure of men.

49. Street children were a new phenomenon. While the five-year plan attached importance to that problem, no preventive measures had yet been taken. As no statistics or studies were available, it was difficult to establish the extent of the problem, and it was not clear whether the children in question were really street children or were simply sent out for the day by their parents to earn money. The matter had been raised with UNICEF with a view to conducting research.

50. Most school dropouts were girls, particularly rural girls, who left school for a variety of social reasons. An intensive programme was being conducted to eradicate illiteracy; the programme focused on the north and north-east of the country, the areas with the highest dropout rates.

51. Ms. OBEID (Syrian Arab Republic) said that Syrian legislation concerning children's rights was well developed. A committee had been established to amend existing legislation in that area to bring it into line with the Convention.

52. Children could not appear in court without their parents or guardians and a defence lawyer, who would be appointed by the court if necessary. If the child required rehabilitation, the court decided on the duration of placement in an institution. Child witnesses could make statements before the court, which were included in the record of the proceedings.

53. Mr. FILALI asked whether a child's testimony was given the same weight as that of an adult.

54. Ms. OBEID (Syrian Arab Republic) said that a child's testimony was not considered the same as an adult's.

55. Mr. ZERMATTEN asked whether there was any limit to the number of times a child might have to give a statement.

56. Ms. OBEID (Syrian Arab Republic) said that a child generally made a statement, in full confidentiality, to the police and again before the competent court. Although there were currently no legal provisions regarding audio or audio-visual recording of children's testimony, there were plans to emulate the Jordanian system in which the child's testimony was recorded on video. The process of amending the law to that effect would take time; in the meantime, it was considered most important to train the police to deal with child victims. Shelters and rehabilitation centres had been established to help such children.

57. Mr. FILALI asked whether there were any procedures to enable child victims to address the judge directly if they so wished.

58. Mr. PARFITT asked whether the mandate of the legislative review committee was sufficiently broad to cover all laws concerning children, as provided for in the Optional Protocol, and whether the issue of extradition in the context of trafficking in children would be included in the review.

59. Ms. GHANEM (Syrian Arab Republic) said that, in addition to the committee established by the Commission for Family Affairs to review legislation concerning children in the light of the Convention and the Optional Protocol, there was another committee, established by the Ministry of Foreign Affairs, to study the issue of trafficking. There was strong coordination between the two committees in order to avoid any conflict of interests.

60. Ms. OBEID (Syrian Arab Republic) said that, while the dissemination of photographs of child victims or defendants was generally not allowed, it was up to the judge to decide whether or not details of a case could be published. Child victims were entitled to compensation, which was paid by the perpetrator.

61. Mr. ZERMATTEN asked whether claims for compensation were dealt with by the court that had tried the case. He wondered whether the State was obliged to pay if the perpetrator was unknown or unable to pay.

62. Ms. OBEID (Syrian Arab Republic) said that the court that had tried the case took the decision on compensation and obliged the perpetrator to pay. The State was not obliged to pay compensation. If the perpetrator was a minor, the parents or guardians must pay compensation. Once children had testified in court, they could be exempted from attending the rest of the trial, provided that their parents, guardians or lawyer attended in their place. While there were legal provisions on juvenile offenders, such provisions were not contained in the Penal Code.

63. Mr. FILALI wished to know whether international treaties took precedence over domestic law and asked whether there was any jurisprudence in that area.

64. Ms. OBEID (Syrian Arab Republic) said that, in the event of incompatibility between a provision of domestic legislation and the Convention, the Convention would take precedence. There was no jurisprudence in that area.

65. Mr. PARFITT asked whether the provisions of the Optional Protocol could be invoked before the courts in criminal proceedings.

66. Ms. GHANEM (Syrian Arab Republic) said that, although there had not yet been any such cases, Syrian law allowed for the Optional Protocol to be invoked in criminal proceedings.

67. Ms. KHATTAB asked whether the annual progress reports that all agencies concerned with implementation of the Optional Protocol were requested to submit had been received and, if so, if they were publicly available.

68. Ms. GHANEM (Syrian Arab Republic) said that some reports had been received and had been included in the files of the Commission for Family Affairs. The Commission would work with governmental organizations and NGOs to ensure that reports were submitted and to develop a standard format for reports.

69. Ms. KHATTAB asked whether sexual intercourse between an adult and a child of between 15 and 18 years old was criminalized.

70. Ms. OBEID (Syrian Arab Republic) said that, although sexual harassment and rape were criminalized, consensual sexual relations between an adult and a girl of 15 or over were not criminalized.

The meeting rose at 1 p.m.