



Convention on the Rights of the Child

Distr.

GENERAL

CRC/C/OPAC/SYR/Q/1/Add.1

27 August 2007

ENGLISHOriginal: ARABIC

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-sixth session

Geneva, 17 September-5 October 2007

Written replies from the Government of the Syrian Arab Republic to the list of issues (CRC/C/OPAC/SYR/Q/1) to be taken up in connection with the consideration of the initial report of the Syrian Arab Republic submitted under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/SYR/1)

[Replies received on 21 August 2007]

Q1.Please indicate whether there is any legal provision criminalizing compulsory recruitment or involving in hostilities of a person under 18.

1.Since the law on recruitment in Syria states that young persons must be 18 years old to volunteer for or be conscripted into military service, there are no legal provisions on this subject, as there is no need for them.

Q2.Please indicate if there is any case law regarding the application of the Convention and Protocol by the Syrian judiciary.

2.Articles 23 to 25 of the Civil Code read as follows:

Article 23: The rules on jurisdiction and all matters relating to legal proceedings are governed by the law of the country in which the case is filed or proceedings are initiated.

Article 24: Evidence which has been prepared in advance is subject to the law of the country in which the evidence was prepared.

Article 25: Articles 23 and 24 above shall only apply if there is no conflicting provision in a special law or international treaty applicable in Syria.

3.It is noteworthy that, in the event a conflict between a domestic law and an international treaty to which Syria is a party, the international treaty takes precedence. According to Court of Cassation ruling No. 23 of 1931, a domestic law cannot establish rules that contradict the terms of an international treaty existing prior to the said law, nor may it alter, even implicitly, its implementing provisions. This principle is confirmed in another ruling that was issued by the civil division of the Court of Cassation, namely, ruling No. 1905/366 of 21 December 1980, which states that domestic courts do not apply treaties on the basis that the State had undertaken to implement them, but rather because the treaties have become part of the State's domestic law. In the event of a conflict between a treaty and a domestic law, the domestic court must apply the provisions of the treaty, since they have precedence over domestic law.

4.In 2006, the Syrian Authority for Family Affairs, in cooperation with the Bar Association, established a national training programme for judges and lawyers on international treaties and the mechanisms for applying them in the courts, particularly international treaties on children and women.

Q3.Please indicate, in the light of article 6 of the Protocol, which authority is monitoring the application of the Protocol.

5.In accordance with Prime Ministerial Decision No. 5080/15/Annex I, issued on 24 July 2005, the Syrian Authority [for Family Affairs], which is tasked with producing periodic reports on international treaties, is the authority responsible for monitoring the application of the Protocol.

Q4.Please indicate how the principles embodied in the Convention are applied in practice to give

effect to the Protocol.

6. Since it was established in early 2005, the Syrian Authority for Family Affairs, with the support of the United Nations Children's Fund (UNICEF), has established a national committee consisting of representatives from governmental and non-governmental agencies involved in children's issues to carry out the following tasks:

- (a) Design a national child protection plan, which began to be implemented in early 2006;
- (b) Prepare periodic reports on the two optional protocols to the Convention on the Rights of the Child;
- (c) Design a national project to train judicial personnel about the mechanisms for implementing the Convention on the Rights of the Child and the two optional protocols in the judicial domain.

7. The Syrian Authority, in conjunction with the Ministry concerned (i.e. the Ministry of Education), has taken steps to disseminate the Convention, the two optional protocols and the relevant national reports through the audio-visual and print media. The Authority also trained schoolchildren about the Convention in the framework of the "Where are my rights?" campaign, which was run throughout every governorate in the country in 2005. Children's drawing and storytelling competitions on the subject of the Convention were also held, in cooperation with UNICEF.

Q5. Please also inform the Committee whether Syria assumes extraterritorial jurisdiction over war crimes which involve conscripting or enlisting children into armed forces or armed groups and/or making them take a direct part in hostilities, in particular if committed by or against a Syrian citizen.

8. Articles 19 and 20 of the Syrian Criminal Code provide as follows:

Article 19

1. Syrian law applies to every Syrian or foreigner who, in the capacity of perpetrator, instigator or accomplice, commits outside Syria a serious or lesser offence against the security of the State, or copies a State seal or copies or falsifies Syrian or foreign currency or Syrian bank bonds that are regarded as legal tender according to the law or custom in Syria.

2. These provisions shall not apply, however, to a foreigner whose actions do not constitute a breach of international law.

Article 20

1. Syrian law applies to every Syrian who, in the capacity of perpetrator, instigator or accomplice, commits outside Syrian territory a serious or lesser offence that is punishable under Syrian law. This continues to apply, even if the accused forfeited or acquired Syrian nationality after committing the offence.

9. On the basis of these two articles, Syria punishes its nationals in Syria and abroad for committing offences against State security. It also has jurisdiction over offences committed against Syrian nationals in Syria or abroad. This also applies to their involvement in armed conflict.

Q6. In light of the important role of the International Criminal Court in deterring the recruitment of children below the age of 15 on an international level, please inform the Committee of the State party's intentions with regard to the ratification of the Statute of the International Criminal Court, which the State party signed on 22 November 2000.

10. Syria is still examining the question of ratification of the Statute of the International Criminal Court. The matter is being reviewed by the Ministry of Justice and the legal committee of the People's Assembly.

Q7. Please provide information on how Syria monitors the age of recruits.

11. As mentioned in the reply to question 1, Syrian law establishes the age of recruitment of young persons as 18 years.

Q8. Please provide disaggregated data (including by sex, age and country of origin) on the number of unaccompanied asylum-seeking, refugee and migrant children who have come to Syria from Iraq or other areas affected by armed conflict since 2003.

12. According to data from the Ministry of the Interior (the Department of Immigration and Passports), no unaccompanied children have come to Syria from areas affected by armed conflict since 2003. The children that have come were accompanied by their families.

Q9. Please provide information on what measures are being taken to facilitate the physical and psychological recovery and social reintegration of children who may have been involved in armed conflicts abroad.

13. The United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees (UNHCR), in cooperation with the institutions concerned with children's issues, established a services programme to help child

refugees. Research into the situation of Iraqi child refugees has also been carried out by the aforementioned international organizations, in conjunction with the Syrian Authority for Family Affairs. (Information about this programme is available at the UNICEF office in Damascus.)

14. The Syrian Authority for Family Affairs, in cooperation with the Ministry of Education and the Department of Childhood of the League of Arab States, held a conference in Damascus on 3-5 July 2007 on the impact of armed conflict on the Arab family. The conference included a special focus on the impact of armed conflict on children (working paper, annex II).

15. During the Israeli war against Lebanon in July 2006, the Syrian Government and civil society organizations gave shelter to thousands of Lebanese families and provided them with psychological and social support. Together with UNICEF, they organized recreational activities for children.

16. As for civil society, civic organizations provide services to child refugees of different nationalities (from Somalia, the Sudan, Eritrea and Iraq). A project to assist child refugees was set up and personnel were trained, from 15 October 2006 to 15 February 2007, to deal with child refugees.

17. The aim of this project was to provide psychological support to Iraqi child refugees who had been traumatized by war, to help their families and to train specialists and volunteers to work with refugees in the delivery of emergency psychological care (final report on project activities, annex III).

18. One civic association has set up a psychological welfare programme in consultation with 1,300 families from the Damascus area - the Birzah neighbourhood. Some 493 of these families are female-headed households. Staff noticed that the children suffered from anxiety, instability and insecurity and from some symptoms of physical and mental violence. Many of the families have to send their children out to work because of their difficult living circumstances. Truancy is one effect worth mentioning. In 2007, the nuns ran a summer camp for 500 Iraqi children, offering educational and psychological assistance and organizing recreational programmes for the children.

19. A small centre was set up to teach the children Arabic, English and computers. The programme for a total of 120 child workers allocates one full day every two weeks for 60 of these children. The children are compensated for their working day and are given exercises and language instruction. Drop-in sessions are also held for children to discuss their social and psychological problems.

Q10. With regard to the legal protection of asylum-seeking, refugee and migrant children, including those who may have been involved in armed conflict, please inform the Committee whether Syria is considering becoming a party to the 1951 Convention on the status of refugees and its 1967 Protocol.

20. Syria, by virtue of its geographical location, sharing borders with Iraq, Lebanon and Palestine, has hosted refugees from fraternal Arab countries since 1948 and from other States like Somalia and Eritrea. The Syrian Government and domestic society provide all refugees with appropriate humanitarian assistance, including housing, as in the case of the Palestinians. In this context, Prime Ministerial Decision No. 3175 of 9 July 2006 established a committee, chaired by the Ministry of Foreign Affairs and with members from the Ministry of Justice, the Ministry of the Interior, the Ministry of Social Affairs and Labour and the National Security Bureau, to draft a law on refugees. The committee is now drafting the law. Syria has furthermore shown more commitment to the provisions and aims of the Convention relating to the Status of Refugees, to which it is not a party, than the States which are parties to the Convention. It plays host to more refugees than the European Union does.
