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WRITTEN REPLIES BY THE GOVERNMENT OF THE SYRIAN ARAB REPUBLIC TO THE LIST OF ISSUES (CRC/C/OPSC/SYR/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF THE SYRIAN ARAB REPUBLIC SUBMITTED UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD

PORNOGRAPHY (CRC/C/OPSC/SYR/1) *

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REPLIES TO THE LIST OF ISSUES RAISED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD IN CONNECTION WITH THE INITIAL REPORT SUBMITTED BY THE SYRIAN ARAB REPUBLIC UNDER ARTICLE 12 OF THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Introduction

A commission comprising representatives of all national bodies was requested to provide replies to the questions of the Committee on the Rights of the Child. The replies are set out below.

1. Please provide statistical data (including by sex, age, urban/rural areas) for the years 2003, 2004, and 2005 on:

(a) The number of children trafficked to and from Syria, as well as trafficked within the country

On the basis of the records of the Ministry of the Interior (the ministry responsible for monitoring persons entering and leaving the Syrian Arab Republic), we are able to provide the following information.

In 2005, 70 girls of different nationalities were expelled for breaking Syrian laws (charged with administrative offences or engaging in prostitution).

In 2006, 32 girls of different nationalities were expelled for administrative offences or engaging in prostitution.

(b) The number of reported cases of the sale of children, child prostitution and child pornography, with additional information on the type of follow-up provided on the outcome of the cases, including prosecution, withdrawals and sanctions for perpetrators

Information on the number of reported cases of the sale or illegal entry of children into the country is set out in the table below.

Year	Type of offence	Nationality of girls	Number
2003	Prostitution	Palestinian	8
		Iraqi	7
		Lebanese	3
	Indecent behaviour	Palestinian	-

		Iraqi	10
		Lebanese	1
Illegal entry into the country		Iraqi	16
		Lebanese	2
Year	Type of offence	Nationality of girls	Number
2004	Prostitution	Palestinian	15
Iraqi	16		
Lebanese	3		
Indecent behaviour	Palestinian	5	
Iraqi	3		
Illegal entry into the country	Iraqi	18	
2005	Prostitution	Palestinian	14
Iraqi	10		
Illegal entry into the country	Iraqi	13	
Indecent behaviour	Iraqi	1	
2006	Prostitution	Palestinian	4
Iraqi	14		
Illegal entry into the country	Palestinian	6	
Iraqi	1		

Source: Ministry of Social Affairs and Labour.

(c) The number of child victims provided with recovery assistance and compensation (if any), as defined in article 9, paragraphs 3 and 4, of the Optional Protocol

Number of child victims provided with recovery assistance

Year	Number	Body
2003	4	Sisters of the Good Shepherd. The minors were accompanied by another 3 children (their children)
58	Ministry of Social Affairs and Labour	
2004	6	Sisters of the Good Shepherd. The minors were accompanied by 8 children (their children)
61	Ministry of Social Affairs and Labour	
2005	5	Sisters of the Good Shepherd. The minors were accompanied by 9 children (their children)
38	Ministry of Social Affairs and Labour	
2006	7	Sisters of the Good Shepherd. The minors were accompanied by 11 children (their children)
25	Ministry of Social Affairs and Labour	

The judicial procedure for the expulsion of girls or young women or their placement in institutions is as follows:

The Ministry of the Interior submits a memorandum to the court describing the offence with which the girls are charged and they are tried in court. The Ministry of Justice issues the decision [expulsion order] and the Ministry of the Interior is responsible for enforcing it;

In other cases they are transferred to educational institutions for girls.

2. Please provide information on specific budget allocations (national, regional and local) for the implementation of the provisions of the Optional Protocol.

In its budget for 2006, the Syrian Commission for Family Affairs allocated 56,875,000 Syrian pounds for the implementation of the national plan for the protection of children (see annex I).

3. Please explain the reservations posed by the State party to article 3, paragraph 1 (a) (ii), and 3, paragraph 5, of the Optional Protocol and update the Committee on the steps taken to withdraw them (paragraph 43 and ff. of the State party's report).

The Syrian Commission for Family Affairs, established by Act No. 42/2003, has its own terms of reference, article 2 of which states that one of the functions of the Commission is to draft laws and prepare draft legislation on the protection of the family.

Pursuant to circular No. 5080 of 24 July 2005, all cases involving children are referred to the Commission (see annex II). Since the

beginning of 2005, the Commission has been working to disseminate the Convention on the Rights of the Child and its two optional protocols, including by organizing workshops in a number of provinces, in cooperation with all national government agencies and with non-governmental organizations and religious representatives, with a view to discussing the reservations to the Convention. Most of the participants agreed that the reservations should be withdrawn (14, 30 and 31) (see annex III). As a result, the Grand Mufti of the Republic issued a memorandum clarifying his position on the need to withdraw the reservations and stating that this would not run counter to sharia (see annex IV). The Commission transmitted these proposals to the competent bodies for consideration and the implementation of legislative measures aimed at the withdrawal of the reservations.

4. Please inform the Committee on measures taken to set up a functional mechanism of data collection on the issues covered by the Optional Protocol. (See State party report, paragraphs 56 (3) and 84 (3)).

There are still problems affecting the work of the bodies responsible for such matters, relating to:

Communicating such data to the Central Bureau of Statistics;

The lack of coordination among the bodies concerned in the collection of statistics on such cases, which makes it difficult for the Syrian authorities to study the data and to plan for the adoption of the measures necessary to protect children. In this connection, we should like to inform the Committee that the Syrian Commission for Family Affairs has established a national commission composed of representatives of all government agencies dealing with children's matters and non-governmental organizations working for the protection of children - the Rainbow Foundation, the Sisters of the Good Shepherd and the Nuqta al Halib association - as well as various national and foreign experts, in order to prepare a national plan for the protection of children. The plan was approved at a meeting of the Government chaired by the President of the Republic, held on 2 October 2005, and entered into force on 1 January 2006. The plan provides greater protection for all children in the Syrian Arab Republic who are subjected to any form of violence, according to the definitions of the United Nations Children's Fund (UNICEF) and World Health Organization (WHO). One of the practical outcomes of the plan is the creation of a database on children who are the victims of any form of violence (see annex V).

5. Please indicate whether any measure has been taken to explicitly criminalize the sale of children in the State party's legislation (see paragraph 10 of the State party's report). Likewise, please clarify whether the State party intends to introduce in the Penal Code the prohibition of child pornography in accordance with articles 1-3 of the Optional Protocol (paragraph 31 of the State party's report).

We draw the Committee's attention to the fact that any treaty signed by the Syrian Arab Republic is considered a domestic law that takes precedence over any instrument that runs counter to the treaty in question. In addition, the provisions of the Penal Code mentioned in the report make it perfectly clear that the sale or exploitation of children for the purposes of pornography are classified as offences.

It should also be noted that, on 20 September 2005, the Government promulgated Decree No. 5114 establishing a national commission responsible for drafting comprehensive legislation to combat offences involving trafficking in persons, and proposing the establishment of reception centres and labour standards to be observed by them (see annex VI).

6. Please indicate whether the State party has taken any measures to establish its jurisdiction over the offences referred to in article 3, paragraph 1, of the Optional Protocol when the alleged offender is present in its territory and it does not extradite him or her to another State party on the basis of the nationality of the offender.

The jurisdiction of the Syrian courts is in conformity with the principles of private international law. These principles are codified so as to guarantee that Syrian courts assume jurisdiction over any case referred to them, irrespective of whether it relates to a conflict of laws or conflict of jurisdiction. This concept is enshrined in articles 25 and 30 of the Civil Code, and also in the relevant provisions of the Penal Code and the Code of Criminal Procedure (see annex VII).

7. In paragraph 177 (3) of the State party's report, it is stated that extradition is denied where the prescribed penalty under the law of the State requesting extradition is deemed "socially unacceptable". Please elaborate on the meaning of this definition.

The penalty prescribed for a person whose extradition is requested would not be acceptable in Syrian society if it entailed death by stoning, amputation of the hand, forced labour, etc.

8. Please clarify the provision of article 35 of the Penal Code, which provides that if the accused person consents in open court to be extradited, the Government may accept or deny this request at its discretion, irrespective of an evaluation of the legality of the request of extradition (paragraph 179 of the State party's report).

In accordance with article 35 of the Penal Code, the judge may exercise his or her discretion under the following conditions:

1. Where the accused gives his or her consent to extradition in open court;
2. Where the legal conditions for extradition are not fulfilled;

3. Where the charge in relation to which extradition is requested has not been properly established.

When these conditions are fulfilled, no ruling has yet been made on the extradition of the accused and thus the matter is at the discretion of the judge, who has the right to accept or deny the request for extradition.

9. Please inform the Committee on whether special training, particularly legal and psychological, is provided to those working with social reintegration and physical and psychological recovery of child victims.

The Ministry of Social Affairs and Labour organizes training courses for people working with child victims, in cooperation with UNICEF and taking into account the experience of neighbouring countries such as Jordan.

In the national plan for the protection of children against violence, the Syrian Commission for Family Affairs refers to practical activities, including training for professionals working in the health, legal, judicial, education and social welfare sectors. The aim of such training is to build capacities and thus to achieve the plan's basic objective, namely, to protect children in the Syrian Arab Republic from violence, ill-treatment, neglect and exploitation.

Annexes

Annex I: Budget for the national plan for the protection of children

Annex II: Circular of the President of the Council of Ministers

Annex III: Media coverage of workshops relating to the withdrawal of reservations to the Convention on the Rights of the Child

Annex IV: Memorandum from the Grand Mufti of the Republic

Annex V: National plan for the protection of children

Annex VI: Decree No. 5114 establishing a commission for the preparation of draft legislation to combat trafficking in persons

Annex VII: Articles of the Civil Code

Annex VIII: Article 35 of the Code
