



Convention on the Rights of the Child

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Committee on the Rights of the Child

Fifty-eighth session

19 September – 7 October 2011

Consideration of reports submitted by States parties under article 44 of the Convention

Concluding observations: Syrian Arab Republic

1. The Committee considered the combined third and fourth periodic reports of the Syrian Arab Republic (CRC/C/SYR/3-4), at its 1646th and 1647st meetings, held on 22 September 2011 (see CRC/C/SR.1646 and 1647), and adopted at its 1668th meeting, held on 7 October 2011, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the combined third and fourth periodic reports as well as the written replies to its list of issues (CRC/C/SYR/Q/3-4/Add.1) and the additional information on the State party's report (CRC/C/SYR/3-4/Add.1), which allow a better understanding of the situation of children in the State party. The Committee appreciates the efforts of the State party to present its report as scheduled despite the recent events in the country. It also appreciates the constructive interactive dialogue held with the high level and cross-sectoral delegation of the State party.

II. Follow-up measures and progress achieved by the State party

3. The Committee takes note of the adoption of:
- (a) Legislative Decree No. 161 of 21 April 2011 lifting the state of emergency;
 - (b) Legislative Decree No. 54 of 21 April 2011 concerning the organization of peaceful demonstrations as a human right and a fundamental freedom guaranteed under the Syrian Constitution and in international treaties;
 - (c) Legislative Decree No. 49 of 7 April 2011 regulating the status of the Syrian Kurds;
 - (d) Legislative Decree No. 1 of 3 January 2011 amending article 508 of the Penal Code which exempted rapists of any punishment if they married their victims;

- (e) Legislative Decree No. 3 of January 2010 concerning the prohibition of human trafficking;
- (f) Act No. 17 of 2010 regulating labour relations in the private sector;
- (g) Legislative Decree No. 37 of 1 July 2009 cancelling the exemption of punishment for perpetrators of honour crimes;
- (h) Legislative Decree No. 12 of February 2007 withdrawing the State party's reservations to articles 20 and 21 of the Convention;
- (i) Act No. 34 in July 2004 concerning persons with special needs.

4. The Committee also welcomes the ratification by the State party of the following international human rights treaties:

- (a) Convention on the Rights of Persons with Disabilities in 2009 and its Optional Protocol in 2009;
- (b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2009;
- (c) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime in 2009;
- (d) International Convention against the Recruitment, Use, Financing and Training of Mercenaries in 2008.

5. The Committee also welcomes the following institutional and policy measures:

- (a) The National Child Protection Plan (2005-2007);
- (b) The creation of the National Committee for International Humanitarian Law by Prime Ministerial Decree No. 2896 of 2 June 2004;
- (c) The creation of the Syrian Commission for Family Affairs by Act No. 42/2003.

III. Factors and difficulties impeding the implementation of the Convention

6. The Committee is of the opinion that the exceptional events that have been—and are still—occurring since March 2011 in the State party and that affect Syrian people, particularly children, are major obstacles to the implementation of all the rights of the child defined by the Convention. In this regard, the Committee expresses its deepest concern over credible, corroborated and consistent reports of gross violations of children's rights that have been committed since the start of the uprising in March 2011, including arbitrary arrests and detentions, killings of children during demonstrations, torture and ill-treatment. The Committee reminds the State party of the continuity of international human rights obligations and that the rights under the Convention apply to all children at all times. The Committee also reminds the State party that it bears the primary responsibility to protect its population and should therefore take immediate measures to stop the use of excessive and lethal force against civilians and to prevent further violence against children, including killing and injuring.

7. The Committee joins the State party in its serious concern about the difficulties in ensuring the rights of Syrian children in the occupied Syrian Golan where these rights are violated.

IV. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

8. The Committee welcomes the efforts made by the State party to implement the Committee's concluding observations on the State party's second periodic report (CRC/C/15/Add.212). Nevertheless, the Committee regrets that some of its concerns and recommendations have been insufficiently or only partially addressed.

9. **The Committee urges the State party to take all necessary measures to address those recommendations contained in the concluding observations on the second periodic report that have not yet been implemented or sufficiently implemented, particularly those related to reservations, legislation, data collection, cooperation with civil society, non-discrimination, minimum legal age of marriage, domestic violence and juvenile justice. The Committee also urges the State party to provide adequate follow-up to the recommendations contained in the present concluding observations.**

Reservations

10. While commending the adoption of Decree No. 12 of February 2007 whereby the State party withdrew its reservations to articles 20 and 21 of the Convention, the Committee notes with concern that the State party has maintained its general reservation to the Convention as well as its reservation on article 14, which are incompatible with the object and purpose of the Convention.

11. **The Committee reiterates its previous recommendations (CRC/C/15/Add.212, para. 8) and encourages the State party to consider withdrawing its general reservation to the Convention and its reservation on article 14 of the Convention.**

Legislation

12. While noting as positive the indication given by the State party that the Child Rights Bill will integrate all the provisions of the Convention, the Committee expresses concern that this Bill has been pending for adoption since 2006. The Committee also reiterates its concern (CRC/C/15/Add.212, para. 9) about the application of different sources of law, namely codified, customary and personal status laws, which may undermine the State party's efforts to harmonize its legislation with the principles and provisions of the Convention. The Committee expresses further concern that all principles and provisions of the Convention have not yet been incorporated into domestic legislation, and that legislation contrary to the Convention, in particular laws that discriminate against girls and children born out of wedlock, remain in force.

13. **The Committee urges the State party to promptly enact the Child Rights Bill into law and ensure that it incorporates all principles and provisions of the Convention and applies to all children living on the territory of the State party. The Committee also urges the State party to ensure that the existing legal domestic framework, including customary or personal status laws, is brought into compliance with the Convention. To this end, the Committee recommends that the Child Rights**

Bill, when enacted, supersede all legislation that is not in conformity with the Convention, and that discriminatory provisions, affecting notably the rights of girls as well as children born out of wedlock, are repealed.

Coordination

14. The Committee welcomes the establishment in 2003 of the Syrian Commission for Family Affairs as the coordinating authority for the implementation of the Convention and commends the numerous studies and activities it has conducted since its establishment. The Committee is however concerned about the absence of clear provisions defining the mandate of the Commission and its relations with ministries and governmental agencies. The Committee is also concerned that the Syrian Commission for Family Affairs does not have any office branches in the other 14 provinces.

15. The Committee recommends that the State strengthen the Syrian Commission for Family Affairs by defining more clearly its mandate as the high-level coordinating authority among sectors and provinces. In this regard, the Committee recommends that the State party establish branches of the Syrian Commission for Family Affairs in all provinces and that it provide them with adequate human, financial and technical resources to fulfil their coordinating, monitoring and evaluation role.

National plan of action

16. The Committee is concerned that following the National Child Protection Plan (2005-2007), there has been no comprehensive implementation strategy for the Convention since 2007. The Committee is also concerned that some of the 2005-2007 plan's major activities, such as the establishment of a family protection unit at the national level, and the creation of child protection shelters and a child helpline, have not yet been carried out.

17. The Committee recommends that the State party develop and implement a comprehensive policy and strategy on children, and adopt a related national plan of action for children or such other framework for the implementation of child rights that covers all aspects of the Convention. The Committee encourages the State party to take all measures necessary to complete pending actions from the National Child Protection Plan (2005-2007) and establish the family protection unit, child protection shelters and the child helpline.

Independent monitoring

18. The Committee reiterates its concern (CRC/C/15/Add.212, para. 15) about the absence of significant progress towards the establishment of an independent mechanism with a mandate to regularly monitor progress in the fulfilment of rights under the Convention, and which is empowered to receive and address complaints from children.

19. The Committee, in the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, urges the State party to establish an independent mechanism either as part of a national human rights institution with a child unit, or preferably as a separate mechanism (for example, ombudsperson for children) properly resourced and with a presence throughout the territory, to monitor the fulfilment of rights under the Convention and deal with children's complaints of violations of their rights in a child-friendly and expeditious manner.

Allocation of resources

20. The Committee remains concerned at the low level of resources for social sectors, the limited information provided on allocations to children and the lack of capacity to

monitor the allocation and impact of resources from a child rights perspective. The Committee is also concerned that despite legislative provisions against corruption and the national anticorruption campaign conducted in 2010, corruption remains pervasive in the State party and continues to divert resources that could enhance the implementation of the rights of the child.

21. **The Committee urges the State party:**

(a) **To utilize a child rights approach in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment in children. The Committee also urges that this tracking system be used for impact assessments on how investments in any sector may serve the best interests of the child, ensuring that the differential impact of such investment in girls and boys is measured;**

(b) **To conduct a comprehensive assessment of budget needs and establish clear allocations for those areas that progressively address the disparities in indicators related to children's rights;**

(c) **To allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of the rights of children, and in particular increase the budget allocated to social sectors;**

(d) **To define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures, especially those victims of the unrest since March 2011, and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;**

(e) **To take immediate measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption;**

(f) **To take into account the Committee's recommendations resulting from its 2007 day of general discussion on resources for the rights of the child – responsibility of States.**

Data collection

22. The Committee takes note of the creation in 2008 of a child data unit by the Central Bureau of Statistics in cooperation with the Syrian Commission for Family Affairs. However, it regrets that this data collection system is not fully operational and that reliable and timely statistical data on children are not available in the State party, which negatively affects the development of coherent and evidence-based policies for children.

23. **The Committee urges the State party to take the measures necessary to ensure that the child data unit be fully operational and collect data, disaggregated, inter alia, by age, sex, ethnicity, geographic location and socio-economic background, on all areas of the Convention to facilitate the analysis of progress achieved in the realization of child rights and to help design policies and programmes to implement the Convention. The State party should ensure that the information collected contains up-to-date data on children in vulnerable situations, including girls, and children living with disabilities, in poverty and in street situations. The Committee further urges the State party to develop and implement a policy to protect the privacy of children who have been registered in all the national databases.**

Dissemination and awareness-raising

24. The Committee welcomes the State party's efforts to disseminate the Convention and to include progressively the principles and provisions of the Convention into school

curricula at all levels. The Committee is however concerned that knowledge of the Convention, especially among professionals working with and for children, the media, parents and children themselves, remains limited.

25. The Committee recommends that the State party strengthen its efforts to systematically disseminate and promote the Convention in the public at large and in particular among professionals working with and for children, the media, parents and children themselves.

Training

26. While noting with appreciation the training provided for certain categories of professionals working with and for children and the higher education degree on child protection granted from the universities, the Committee is however concerned that such training remains insufficient and does not cover all professionals working with and for children and law enforcement authorities, as well as armed and security forces and journalists for whom awareness of the Convention remains limited.

27. The Committee recommends that the State party strengthen its efforts to improve the quality of education and training programmes based on the principles and provisions of the Convention. This should be undertaken for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, armed and security forces, journalists, civil servants, personnel working in institutions and places of detention for children, teachers, health-care personnel, including psychologists, and social workers. The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund (UNICEF).

Cooperation with civil society

28. The Committee expresses deep concern that the State party continues to restrict the work of human rights organizations, including those monitoring children's rights, notably by denying them registration and a license. The Committee is particularly concerned that members of non-governmental human rights organizations are constantly subjected to threats, harassment, physical attacks and arrests and that a number of human rights defenders have been detained or have disappeared since the onset of the protests in March 2011.

29. The Committee strongly urges the State party to immediately release all persons detained in relation to their legitimate and peaceful activities in defense of human rights and to ascertain the whereabouts of all human rights defenders whose fate remains unknown. The Committee also urges the State party to take concrete steps to facilitate and give legitimate recognition to human rights defenders and their work, including those who report child rights violations for appropriate State party's action, and to ensure that non-governmental organizations (NGOs) can safely carry out their functions in a manner consistent with the principles of a democratic society.

B. Definition of the child (art. 1 of the Convention)

30. The Committee reiterates its concern (CRC/C/15/Add.212, para. 23) about the disparity between the minimum age for marriage for boys (18) and that of girls (17) provided in the Personal Status Code of 1957. The Committee is also seriously concerned that the Personal Status Code authorizes even earlier marriages, as it allows the judge to lower the age of marriage of boys to 15 years and of girls to 13 years if they are considered

willing parties to the marriage, “physically mature”, and if the father or grandfather consents.

31. **The Committee urges the State party to rectify the disparity in the minimum age of marriage for boys and girls by raising the minimum age of marriage for girls to that of boys at 18 years, and to repeal the provisions of the Personal Status Code condoning early marriages.**

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

32. The Committee expresses concern at the persistence of legal and societal discrimination against girls in the State party. In particular, the Committee is concerned about discriminatory provisions contained in personal status laws, such as those relating to the inheritance rights of girls. The Committee is also concerned that insufficient measures have been taken by the State party to change discriminatory attitudes and stereotyping of gender roles.

33. The Committee also expresses concern about the discrimination of Kurdish children, especially girls, children living in remote areas, children in institutional care, children born out of wedlock and children in street situations.

34. **The Committee urges the State party:**

(a) **To repeal legal provisions that discriminate against girls, and take all the necessary measures to eliminate societal discrimination against them through public educational programmes, including campaigns organized in cooperation with opinion leaders, families and the media to combat the stereotyping of gender roles in line with the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/SYR/CO/1, paras. 28 and 34);**

(b) **To amend all legal provisions which discriminate against children born out of wedlock;**

(c) **To closely monitor the situation of children exposed to discrimination, in particular those belonging to the above-mentioned disadvantaged groups, and develop, on the basis of the results of this monitoring, a comprehensive strategy containing specific and well-targeted actions, including affirmative social actions, aimed at eliminating all forms of discrimination against them.**

Best interests of the child

35. The Committee reiterates its concern (CRC/C/15/Add.212, para. 28) that the general principle of the best interests of the child has not been incorporated in all legislation concerning children and is therefore not applied in all legislative, administrative and judicial proceedings, or in policies and programmes relating to children.

36. **The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and in all policies, programmes and projects relevant to and with an impact on children. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle.**

Right to life, survival and development

37. The Committee expresses its deepest concern about credible, corroborated and consistent information that over a hundred children have been killed and many more injured in connection with the protests that started in March 2011 in the country, and that the State party, through its armed forces, bears direct and exclusive responsibility for their death. The Committee is also deeply concerned about the numerous reported cases of children who died in detention as a result of torture. The Committee takes note of the establishment of a specialized judicial committee, headed by the Attorney General, to investigate human rights violations committed since the start of the protests. However, the Committee expresses concern that this judicial committee lacks the necessary independence to carry out its mandate with objectivity, impartiality and transparency and that the results of its investigations have yet to be made public.

38. **The Committee strongly urges the State party to take, as a matter of the highest priority, all necessary measures, including clear instructions to the armed and security forces to prevent the killing and injuring of children. The Committee also joins its voice to the call of the High Commissioner for Human Rights and the Secretary-General for a prompt, independent, effective and transparent investigation into the human rights abuses committed since March 2011. In this regard, the Committee urges the State party to fully cooperate with and grant unimpeded access to the International Commission of Inquiry established by the Human Rights Council through its resolution S-17/1 of 22 August 2011.**

Respect for the views of the child

39. The Committee welcomes the various initiatives taken to implement the rights of the child to be heard and, in particular, the inclusion of children in the drafting process of the State party's report and the establishment as a pilot project of a children's parliament in the Dayr al-Zawr Governorate. The Committee however reiterates its concern (CRC/C/15/Add.212, para. 30) that traditional attitudes towards children in society continue to limit the respect for their views, especially within the family and schools, and that insufficient measures have been taken by the State party to ensure that children are effectively heard in all judicial and administrative proceedings.

40. **In the light of its general comment No. 12 (2009), the Committee reminds the State party of its obligation to undertake appropriate measures to fully implement the right of the child to be heard. It recommends that the State party take effective measures to ensure that this right is respected and implemented in all judicial and administrative proceedings, and to enhance the understanding of the value of the right of the child to be heard in all institutions attended by children and at all levels of society, especially at the family, community and school levels, including awareness-raising activities and training for adults and children.**

D. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**Nationality**

41. The Committee welcomes Legislative Decree No. 49 of 7 April 2011 regulating the status of Syrian Kurds. The Committee is however concerned that this Decree might benefit only Kurds registered as "Foreigners" (*Ajanib*) and not the stateless Kurds known as "*Maktoumeen*". The Committee is also concerned that the amendment to article 3 of the Syrian Nationality Act (No. 276 of 1969), which denies children of Syrian women married

to non-nationals the right to acquire Syrian nationality, is still pending endorsement by the parliament.

42. **The Committee recalls the responsibilities of the State party, in accordance with articles 2 and 7 of the Convention, to ensure that all children within the State party's jurisdiction have the right to be registered and acquire a nationality, irrespective of the child's or his or her parents' or legal guardians' sex, race, religion or ethnicity, social origin or status. The Committee therefore urges the State party:**

(a) **To take immediate steps to guarantee that all children of Syrian-born Kurdish parents, including children of stateless Kurds known as Maktoumeen promptly acquire Syrian nationality and enjoy their rights without discrimination;**

(b) **To proceed with the amendment of the Nationality Act to allow children of Syrian mothers married to foreign nationals to acquire the nationality of their mothers;**

(c) **To ratify the Convention relating to the Status of Stateless Persons of 1954, and the Convention on the Reduction of Statelessness of 1961.**

Birth registration

43. The Committee notes as positive the efforts made by the State party to ensure that every child is registered at birth, in particular the 2007 amendment of the Personal Status Code (Law No. 376 of 1957) which makes birth registration compulsory. The Committee is however concerned that:

(a) According to the Personal Status Code, the marriage of a Muslim woman with a non-Muslim man is not considered as valid, and, as a result, children born within such a marriage are not always recognized, nor registered;

(b) Children born out of wedlock cannot be affiliated to their father, a situation which often leads to their abandonment and subsequent institutionalization;

(c) A mother who wants to register her child born of rape or incest or out of wedlock is required to request a police report to initiate an investigation into the circumstances of the conception of the child;

(d) Birth registration of children born in remote areas continues to be problematic.

44. **The Committee urges the State party to strengthen its efforts to ensure the effective registration of all children born in the State party, regardless of their origin and without any discrimination. To this aim, the Committee urges the State party to amend the Personal Status Code, to fully recognize all mixed marriages and to take all the necessary measures to protect and properly register children born out of wedlock and children from remote areas.**

Freedom of thought, conscience and religion

45. **The Committee reiterates its recommendation (CRC/C/15/Add.212, para. 8) that the State party, in accordance with the Vienna Declaration and Plan of Action and taking account of the Human Rights Committee's general comment No. 22 (1993), study its reservation on article 14 of the Convention, with a view to withdrawing it and in order to eliminate all forms of infringements of the freedom of thought, conscience and religion of children.**

Freedoms of expression and of association and peaceful assembly

46. The Committee expresses concern that the rights of the child to freedom of expression and to freedom of association and peaceful assembly are not respected in practice and that the State party relies on the parents to protect their children during demonstrations. The Committee is particularly concerned at the arrest and incommunicado detention in March 2011 of a group of school children aged from 8 to 15 years accused of painting anti-Government graffiti on a schoolhouse wall in the southern town of Dara'a.

47. The Committee urges the State party to take all necessary measures to ensure the full effective implementation by all, including parents, teachers and security forces, of the rights to freedom of expression and freedom of association and peaceful assembly, in accordance with articles 13 and 15 of the Convention.

Access to appropriate information

48. The Committee expresses its concern that children's access to appropriate information is often limited by the scarcity of books and newspapers available for children. While noting as positive the State party's efforts to protect children from being exposed to harmful information related to violence and pornography, transmitted through the media and Internet, the Committee is concerned that official censorship imposed on the media, as well as literary and artistic works, contributes to restricting children's right to access to appropriate information.

49. The Committee recommends that the State party strengthen its efforts to improve children's access to information, inter alia by providing greater access to newspapers, libraries, radio and television, and to ensure that children are protected from harmful information. The Committee also urges the State party to ensure that children have the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

Torture or other cruel, inhuman or degrading treatment or punishment

50. The Committee expresses deep concern that many children are reported to have died as a result of torture and mutilation they were subjected to while being detained in connection with the protests. It is also deeply concerned that children are still reported to be detained and at risk of torture. The Committee shares the concern expressed by the Committee against Torture about the lack of judicial independence (CAT/C/SYR/CO/1, para. 12) and notes with concern that Legislative Decrees 14/1969 and 69/2008 granting immunity from prosecution to security and intelligence agencies responsible for human rights violations committed on duty may also impede independent investigation and serve as contributing factors of persisting detention and torture of children.

51. The Committee also expresses serious concern about consistent reports that some schools have been used by the State party's security forces as detention centres.

52. The Committee strongly urges the State party to immediately and unconditionally release all children who have been arbitrarily arrested and detained since March 2011 in connection with the protests, to stop using schools as detention centres, and to strictly ensure compliance with humanitarian law and the principle of distinction. The Committee also urges the State party to repeal Legislative Decrees 14/1969 and 69/2008, to investigate cases of arbitrary detention and torture of children in a transparent, objective and impartial manner, and to bring those responsible for these violations to justice. The Committee also urges the State party to provide care, psychosocial recovery, reintegration and compensation for child victims of torture.

Corporal punishment

53. While welcoming the circulars issued by the Ministry of Education to prohibit the use of physical and verbal violence in schools, the Committee remains concerned that corporal punishment by teachers and parents is explicitly authorized by the Penal Code and article 170 of the Personal Status Code and widely used in the family, schools and alternative care settings. The Committee is also concerned that there is no explicit prohibition of corporal punishment as a disciplinary measure in alternative care settings and in penal institutions.

54. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee, recalls its previous recommendation (CRC/C/15/Add.212, para. 37), and urges the State party:**

(a) **To repeal article 170 of the Personal Status Code and the provisions of the Penal Code that authorize corporal punishment;**

(b) **To prohibit unequivocally by law and without any further delay corporal punishment in the family, schools and alternative care settings and penal institutions;**

(c) **To ensure that laws prohibiting corporal punishment are effectively implemented and that legal proceedings are systematically initiated against those responsible for ill-treating children;**

(d) **To introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on the harmful effects, both physical and psychological, of corporal punishment, with a view to changing the general attitude towards this practice, and to promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment;**

(e) **To ensure the involvement and participation of the whole society, including children, in the design and implementation of preventive strategies against violence and other forms of abuse.**

E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

55. The Committee welcomes the indication given by the State party that the Child Rights Bill, once adopted, will set the age of custody at 18 years for boys and girls. The Committee is however concerned that, in accordance with the Personal Status Code as amended in 2003, in case of divorce, mothers can retain custody of their sons only up to the age of 13 and of their daughters up to the age of 15. The Committee is also concerned that there is an obligation for a wife to obey her husband in return for maintenance and that mothers who want to travel outside the country with their children must seek the approval of the children's father or the child's paternal relatives in the father's absence.

56. **The Committee urges the State party to take all the measures necessary to ensure that mothers and fathers share responsibility for their children on an equal basis and that no difference is made between responsibilities towards girls and boys. The Committee further urges the State party to amend provisions in the Personal Status Code to allow the freedom of movement of women outside the country with their children without the prior approval of the children's father or the children's paternal relatives.**

Children deprived of a family environment

57. The Committee welcomes the current assessment of alternative care services and institutions. The Committee however notes with concern that community-based alternatives remain extremely limited and that institutionalization is therefore frequently used. The Committee is also concerned that alternative care institutions lack adequately trained personnel and are insufficiently monitored by the Ministry of Labour and Social Affairs. Furthermore, the Committee is seriously concerned about the segregation of orphans of known parents and those of unknown parents in separate institutional care facilities and about cases of children placed in orphanages being subjected to negligence, isolation and other forms of ill-treatment.

58. **The Committee recommends that the State party:**

- (a) **Develop community-based alternative care, especially in rural areas;**
- (b) **Ensure that all alternative care facilities are registered and monitored by an independent body;**
- (c) **Ensure that all personnel working in alternative care settings are well trained;**
- (d) **Eliminate the segregation of orphans of known parents and those of unknown parents in separate institutional care facilities;**
- (e) **Periodically review the placement of children in alternative care facilities and fully include children in the review of their placement;**
- (f) **Investigate all cases of abuse or ill-treatment of institutionalized children;**
- (g) **Review legislation applicable to children born out of wedlock in order to prevent their abandonment and subsequent institutionalization;**
- (h) **Take into account the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142 of 18 December 2009, annex).**

Violence against children, including abuse and neglect

59. While noting that the State party is establishing a national observatory on domestic violence and a family protection unit, the Committee is concerned that there is still no specific provision in domestic legislation that criminalizes domestic violence, and that concrete measures to combat widespread abuse and neglect within the family are limited.

60. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party:**

- (a) **To prioritize the elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations study on violence against children (A/61/299), taking into account the outcome and recommendations of the Regional Consultations for Europe and Central Asia (held in Ljubljana, Slovenia, 5-7 July 2005), paying particular attention to gender;**
- (b) **To provide information concerning the implementation by the State party of the recommendations of the above-mentioned study in its next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on violence against children, in particular:**
 - (i) **The development in each State of a national comprehensive strategy to prevent and address all forms of violence and ill-treatment against children;**

(ii) The introduction of an explicit national legal ban on all forms of violence against children in all settings, including an explicit prohibition of domestic violence;

(iii) The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence and ill-treatment against children.

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26 and 27 (paras. 1-3) of the Convention)

Children with disabilities

61. The Committee welcomes the promulgation of Act No. 34 of 2004 on persons with special needs, the adoption of the 2008 National Plan to Combat Disability, and the numerous initiatives taken to improve the situation of children with disabilities. The Committee is however concerned that care and rehabilitation services for children with disabilities are mainly provided by civil society organizations and that the State party allocates insufficient resources for programmes and plans for children with disabilities.

62. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to ensure that children with disabilities enjoy all their rights under the Convention and, to this end, allocate the necessary human, technical and financial resources for a full and effective implementation of programmes and plans for children with disabilities. The Committee recommends that the State party place particular emphasis on improving the quality of inclusive education, and further develop non-formal education programmes as well as comprehensive and regular teacher trainings adapted to the different types of disabilities.**

Health and health services

63. The Committee welcomes the State party's remarkable achievements in reducing infant, child and maternal mortality and its continuous efforts to provide universal access to maternal and child health-care services. However, the Committee expresses concern that:

(a) There are still geographical disparities in access to health services, resulting in considerable variations in children's health status depending on the regions where they live, with children living in remote areas being particularly disadvantaged;

(b) The proportion of gross domestic product devoted to health does not exceed 3.2 per cent and that the per capita total expenditure on health has been decreasing;

(c) There is an insufficient number of hospitals specialized for children;

(d) A high proportion of children are severely stunted;

(e) Breastfeeding rates are at a very low level.

64. **The Committee recommends that the State party strengthen its efforts:**

(a) **To increase the allocation of financial and human resources to the health sector with a special emphasis on primary health care, in order to ensure equal access to quality health services by all children, including children living in remote areas;**

(b) **To increase the number of hospitals providing specialized services for children;**

(c) To improve the quality of nutritional education and counselling services, and determine the particular regions, districts and groups of children for priority intervention;

(d) To establish a national breastfeeding committee and systematically collect data on breastfeeding practices, ensuring at the same time the enforcement of the International Code of Marketing of Breast-milk Substitutes, the promotion of baby-friendly hospitals and the inclusion of breastfeeding in the training of nurses;

(e) To continue to seek technical cooperation from UNICEF and the World Health Organization (WHO).

Adolescent health

65. The Committee welcomes the initiatives of the State party to improve the health status of adolescents, in particular the training programmes provided by the Ministry of Health for health personnel who work with adolescents, as well as the institution of an adolescent health centre in the town of Dayr al-Zawr. The Committee is however concerned that there is limited availability of youth-friendly reproductive health services and that knowledge among adolescents about reproductive health, sexually transmitted diseases, including HIV/AIDS, and the health consequences of tobacco, alcohol and drugs consumption is inadequate, and that information and statistical data on the situation of adolescents in the State party is scarce.

66. **The Committee refers the State party to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, and urges it to increase the availability of confidential and youth-friendly health services throughout the country, enhance the availability of reproductive health services, and promote sexual and reproductive health education targeted at adolescent girls and boys. It further calls upon the State party to strengthen its efforts to prevent drug abuse, alcoholism and tobacco use among adolescents.**

Harmful practices

67. The Committee welcomes the cancellation, through Legislative Decree No. 37 of 1 July 2009, of the exemption of punishment for those committing honour crimes against women and girls. The Committee is however concerned about the high prevalence of early and forced marriages and the lack of appropriate measures to curb this phenomenon.

68. **The Committee urges the State party to take immediate measures:**

(a) **To ensure that perpetrators of honour crimes are given sanctions commensurate with the gravity of these crimes;**

(b) **To prohibit early and forced marriages and repeal the Personal Status Code provisions allowing the judge to lower the age of marriage of boys to 15 years and of girls to 13 years;**

(c) **To set up awareness-raising and educational programmes and develop gender-sensitive teaching materials and textbooks that will sensitize and inform all stakeholders, including community and religious leaders, about the harmful effects of early and forced marriages;**

(d) **To provide comprehensive information in its next periodic report on the concrete measures to eliminate early and forced marriages, and on the sanctions pronounced against perpetrators of honour crimes.**

Standard of living

69. The Committee takes note of the establishment of the National Social Assistance Fund to protect the most disadvantaged and marginalized families, but remains concerned that a more sustained strategy to address the structural determinants of poverty is not being adopted. The Committee is also concerned at the poor management of and deterioration of natural resources, which has led to constant migration from rural to urban areas and has contributed to the increasing prevalence of poverty in the State party in spite of its significant economic growth rate. The Committee is particularly concerned about regional disparities in the standard of living, and about the situation of poverty of children and families living in arid and semi-arid regions, of nomad children and of children living in slums who are exposed to poor quality of air and contaminated drinking water.

70. The Committee encourages the State party to address the structural determinants of poverty and marginalization, while maintaining its focus on the situation of the most disadvantaged and marginalized children and on reducing regional disparities in the standard of living of children. It also urges the State party to take all the necessary capacity-building measures to improve its management of natural resources, in particular its water resources, in order to ensure the rights of children.

G. Education, leisure and cultural activities (arts, 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

71. The Committee commends the State party for the significant progress achieved over the years in the areas of school enrolment, literacy and gender parity in primary education. The Committee also welcomes the incentive given to teachers working in remote areas, the institution of mobile schools to reach children in remote and desert areas, and the measures taken to grant access to education to and vocational training for a high number of refugee children. The Committee is however concerned about:

(a) High school dropout and repetition rates, with girls being much more likely to drop out of school than boys, due notably to early and forced marriages and the participation of girls in family work;

(b) The low quality and relevance of the school curricula;

(c) Stateless Kurdish children who face difficulties enrolling in secondary schools and universities and who cannot obtain inclusive education in case of disability;

(d) Corporal punishment and psychological violence, which are still considered as a tool for childhood discipline, and teachers and administrators who are not sufficiently trained in the use of alternatives forms of discipline.

72. In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:

(a) **Strengthen its efforts to reduce disparities among provinces and districts in access to and full enjoyment of the right to education, in particular with respect to inequalities affecting girls and the distribution of resources to schools;**

(b) **Improve the quality of education and ensure that children complete their schooling by taking concrete action to address the factors contributing to school repetition and non-completion;**

(c) **Improve the provisions of suitable vocational or second-chance education for dropouts, especially girls and children in remote areas;**

(d) **Ensure that Kurdish children can effectively enjoy their right to education, including inclusive education without discrimination based on disability, gender or any other ground;**

(e) **Take all the necessary measures to eliminate corporal punishment in schools and ensure, through appropriate public education and professional training, positive, participatory and non-violent forms of discipline;**

(f) **Develop child-friendly approaches in schools and ensure effective child, parent and community participation in decision-making and the management of schools.**

H. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), and 32-36 of the Convention)

Asylum-seekers and refugee children

73. The Committee commends the State party for its continuous efforts to ensure that refugee children have access to child-friendly centres, primary health care and education. The Committee is however deeply concerned about reported consistent and corroborated reports that at least 7,000 Palestinian refugees, including children, had to flee their camp situated in Latakia's El Ramel district due to heavy gunfire from security forces into the camp and surrounding areas in August 2011, and that several refugees were killed during these military operations.

74. The Committee is also concerned that there is still no legal and institutional framework in place relating to asylum-seekers and refugees, and that refugee children and their families encounter difficulties in obtaining identity documents, which, in some cases, has led them to become stateless and/or to be forcibly returned to their countries of origin. The Committee is, in addition, concerned at reported cases of refugee children who have been separated from their families during refoulement procedures.

75. The Committee strongly urges the State party to cease military operations within and outside refugee camps and to provide humanitarian agencies with full access to the refugees. The Committee also urges the State party to speed up the adoption process of a national law for refugees and asylum-seekers. The Committee also urges the State party:

(a) **To ensure that refugee children and their families are guaranteed speedy processing of their registration and identity documents;**

(b) **To refrain from separating foreign children from their families either by expelling or otherwise forcibly returning them or their family members to their country of origin;**

(c) **To consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;**

(d) **To continue and strengthen its cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and take guidance from the 2009 UNHCR guidelines on child asylum.**

Economic exploitation including child labour

76. While noting the existence of the Decent Work Pilot Programme and the national programme for the elimination of all forms of child labour, the Committee expresses deep concern that the phenomenon of child labour is rising, especially in rural areas, and that an

increasing number of children drop out of school to engage in work activities. The Committee is also concerned that:

- (a) Information and updated, disaggregated and gender-specific statistical data on the incidence of child labour are not available, which affects the State party's capacity to address the phenomena;
- (b) Syrian girls as well as girls from South-East Asia and East Africa work as domestic servants, at times in slavery-like conditions, and are exposed to all forms of abuse, including sexual violence, despite legislation prohibiting recruitment of children as domestics;
- (c) Children from 15 years of age are allowed to perform hazardous work;
- (d) The capacity of the labour inspectorate to enforce the legislation and to effectively monitor the respect of its labour laws remains weak;
- (e) Children working in family businesses and in the agricultural sector are not protected by labour legislations, and are therefore often exposed to exploitation and denial of their right to education.

77. **The Committee urges the State party:**

- (a) To take more active measures to prevent children from being economically exploited, and in particular by collecting reliable and valid data in order to understand the dynamics of child labour and to support recommendations that will address the root causes and the dangers of child labour throughout the country;**
- (b) To take all the necessary measures to address without delay the situation of children working as domestic workers and to prosecute those who exploit and abuse them;**
- (c) To amend labour laws in order to adequately protect children from labour exploitation in all sectors and ensure that children are not allowed to perform hazardous work;**
- (d) To strengthen the capacity of the labour inspectorate to effectively monitor the implementation of child labour laws, both in formal and informal sectors;**
- (e) To include children and representatives of children's organizations in all efforts to eliminate child labour;**
- (f) To provide educational opportunities for children who must work for their family's survival;**
- (g) To raise awareness on the negative consequences of child labour through public educational programmes, including campaigns organized in cooperation with opinion leaders, families and the media.**

Children in street situations

78. The Committee is concerned about the large number of children in street situations who are exposed to multiple forms of abuse and exploitation and about the lack of adequate, sufficient and urgent measures to address their situation.

79. **The Committee therefore recommends that the State party:**

- (a) Undertake a systematic assessment of the conditions of children in street situations in order to obtain an accurate picture of the root causes and magnitude and to provide information to the Committee in the next report;**

(b) **Develop and implement, with the active involvement of the children concerned, a comprehensive policy which should address the root causes, in order to prevent and reduce this occurrence;**

(c) **In coordination with NGOs, provide children in street situations with necessary protection, adequate health-care services, education and other social services;**

(d) **Provide children with adequate information on how they can protect themselves, and on how they can lodge complaints against those who exploit them;**

(e) **Support family reunification programmes, when it is in the best interests of the child.**

Sexual exploitation and abuse

80. The Committee notes as positive the heavy penalties, including the minimum term of 12 years' imprisonment provided in the Penal Code, for sexually exploiting children and the repealing by Legislative Decree No. 1 of 3 January 2011 of article 508 of the Penal Code, which exempted rapists of any punishment if they married their victims. The Committee is however concerned that an increasing number of Iraqi girls residing in the State party are forced into prostitution, that the State party is a growing destination for child sex tourism, and that children engaged in prostitution are often criminalized.

81. **The Committee urges the State party:**

(a) **To take all necessary measures to prevent and end sexual abuse and exploitation through a comprehensive strategy, notably by prosecuting perpetrators and holding public debates and conducting public educational programmes, including campaigns, organized in cooperation with opinion leaders, families and the media;**

(b) **To ensure that victims of sexual abuse and exploitation are not criminalized and have access to appropriate recovery and reintegration programmes and services;**

(c) **To seek assistance from, among others, WHO and UNICEF**

Sale and trafficking

82. The Committee welcomes the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2009, the promulgation in 2010 of Legislative Decree No. 3 concerning the prohibition of human trafficking, and the establishment of two shelters for victims of trafficking in Damascus and Aleppo. The Committee is however concerned about the limited progress made by the State party to implement the recommendations of the Committee (CRC/C/OPSC/SYR/CO/1) under the Optional Protocol on the sale of children, child prostitution and child pornography. The Committee is further concerned about:

(a) The absence of a clear definition of trafficking in the new legislation and the lack of clear procedures for the identification, interview and referral of child victims of trafficking;

(b) The absence of specific provisions criminalizing the sale of children and child pornography in domestic legislation, in conformity with the provisions of the Optional Protocol;

(c) The persistent practice of temporary marriages, involving girls as young as 12 years who are given in marriage in exchange for money;

(d) The limited efforts of the State party to investigate and punish trafficking offenses, to inform the public about the practice of human trafficking and to provide anti-trafficking training to law enforcement officials;

(e) Cases of child victims of trafficking being charged with prostitution and sent to juvenile detention facilities or back to the country where they were trafficked from.

83. The Committee calls upon the State party to take all the necessary measures to implement the Committee recommendation under the Optional Protocol on the sale of children, child prostitution and child pornography. The Committee also urges the State party:

(a) To amend its anti-trafficking legislation to clearly define trafficking and referral procedures and systematically provide training for law enforcement officials on the anti-trafficking laws;

(b) To amend the penal code in order to explicitly define and criminalize all the offences covered by the Optional Protocol as previously recommended (CRC/C/OPSC/SYR/CO/1, para. 15 (a));

(c) To address the issue of temporary marriages, including by raising awareness among children, families and within the community of the negative impact of such marriages on the physical and mental health and general well-being of girls, and ensure that legal proceedings are engaged against those who organize those marriages;

(d) To increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination, especially through information exchange, to prevent trafficking.

(e) To actively prosecute and punish child traffickers, protect children victims of trafficking and ensure that child victims of trafficking are no longer sent to prison or to reform centres for juvenile delinquents;

(f) To strengthen its efforts to ensure the physical and psychological recovery and social reintegration of child victims of exploitation and trafficking;

(g) To ensure that all persons working with and for children are provided with training and awareness-raising programmes that can increase their knowledge and help prevent trafficking of children.

Follow-up under the Optional Protocol on the involvement of children in armed conflict

84. The Committee reiterates its recommendation (CRC/C/OPAC/SYR/CO/1, paras. 9 (a) and (d)) to explicitly prohibit by law the violation of the Optional Protocol on the involvement of children in armed conflict regarding the recruitment and involvement of children in hostilities, and to ratify the Rome Statute of the International Criminal Court.

Administration of juvenile justice

85. The Committee notes as positive the signature of the Juvenile Justice Project Document between the State party and the United Nations Development Programme in February 2010, which is aimed at enhancing the juvenile justice system. The Committee is however concerned that:

(a) The age of criminal responsibility, raised from 7 to 10 years by Legislative Decree No. 52 of 2003, remains at a level well below internationally accepted standards;

(b) The Juveniles Act (No. 18 of 1974) applies only to children under the age of 15;

(c) Cases of children being ill-treated by the police and exposed to rape and other forms of sexual abuse while in rehabilitation institutes are commonly reported, in particular girls detained in the Juvenile Bab-Msalah Rehabilitation Institute;

(d) The separation between children and adults is not always guaranteed in detention facilities;

(e) Knowledge of the provisions of the Convention among law enforcement officials and personnel working in the juvenile justice system remains limited.

86. **The Committee reiterates its previous recommendations (CRC/C/15/Add.212, para. 53) that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System; and the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice. In this regard, the Committee recommends that the State party:**

(a) **Raise the legal age of criminal responsibility to an internationally acceptable level, taking into consideration that the minimum age of criminal responsibility should in no case be set below the age of 12 years;**

(b) **Extend protection of the Juveniles Act (No. 18) to all children;**

(c) **Ensure, especially during the stage of arrest and investigation, that no child be subjected to abuse and torture when in contact or in conflict with the law;**

(d) **Ensure that children are held in detention only as a last resort and for as short a time as possible, and that detention is carried out in compliance with the law;**

(e) **Promote alternative measures to detention, such as diversion, probation, counselling, community service or suspended sentences, wherever possible;**

(f) **Ensure that children are never kept in detention with adults, that they have a safe, child-sensitive environment, and that they maintain regular contact with their families and are provided with food, education and vocational training;**

(g) **Provide children deprived of liberty in any form with the right to review the decision of placement;**

(h) **Strengthen its efforts to extend specialized juvenile courts across the country, to train juvenile justice judges, and to develop a comprehensive training programme for police brigades, judges and social workers to strengthen technical capacity and knowledge on juvenile justice systems and alternatives to detention;**

(i) **Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, UNICEF, the Office of the United Nations High Commissioner for Human Rights and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.**

Protection of witnesses and victims of crimes

87. **The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, for example, child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking and witnesses of such crimes, including those**

perpetrated by State and non-State actors since the March 2011 protests, are provided with the protection required by the Convention, and that it take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20 of 22 July 2005, annex).

I. Ratification of international and regional human rights instruments

88. The Committee encourages the State party to accede to all core human rights instruments, including the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

J. Follow-up and dissemination

89. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Head of State, the Supreme Court, Parliament, relevant ministries and local authorities for appropriate consideration and further action.

90. The Committee further recommends that the combined third and fourth periodic reports and written replies submitted by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and of its implementation and monitoring.

K. Next report

91. The Committee invites the State party to submit its fifth periodic report by 13 August 2015 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit their report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination by the treaty body cannot be guaranteed.

92. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention on the Rights of the Child.