

Child Protection Priority
Issues and Responses
Inside Syria

Desk review – child protection in Syria – – 1 February 2013

Acronyms

CFS: Children Friendly Spaces

CP: Child Protection

CPWG: Child Protection Working Group

CRC: Convention on the Rights of the Child

ERW: Explosive Remnants of War

MoSAL: Ministry of Social Affairs and Labour

PSS: Psychosocial Support

PTSMD: Post- Traumatic Stress and Mental Disorder

SARC: Syrian Arab Red Crescent

SCFA: Syrian Commission for Family Affairs

SGBV: Sexual and Gender Based Violence

UASC: Unaccompanied and Separated Children

WFCL: Worst Forms of Child Labour

Preface

This desk review aims at providing a general picture of Child Protection (CP) issues inside Syria. It provides a basis for a forthcoming CP assessment. The information presented here is not to be taken as definitive but should facilitate a better understanding of trends and scale of CP needs and capacities and priorities for programming. It should be considered as a briefing tool, among others, for staff and organisations in the field.

Attitudes of Syrian society towards its children: Family holds a substantial role in Syrian society. According to Article 44 of the Syrian Constitution, the family is the nuclear unit of society and last resort measure is protected by the State. In the field of Child Protection, the family is expected to ensure the basic needs of the children, as well as their wellbeing. However, voluntary separation happens for economic reasons.

Syrian society relies on a patriarchal pattern. Child participation in the familial environment is limited. It is also important to note that Islamic Law (Sharia) is considered as a main source of legislation. It may influence government and community actions in favour of child protection, particularly on the issue of separation. Nonetheless, there is evidence of legislation for non-Muslim citizens (Christians who represent 10% of the population), to regulate matters related to marriage, divorce, child custody among others.

- **Boys and girls, cultural practices:** Boys are considered as potential productive family members. They are encouraged to be responsible, thus migration and child labour is tolerated in some cases. Girls (as well as boys) are subject to the patriarchal model that characterises the Syrian society. They are allowed lower mobility outside the house and are generally over-protected as a security measure.¹ Parents have significant influence on decisions related to marriage and career selection.

- **Child labour**

Child labour is often encouraged in low-income households. In poor areas, children are susceptible to be taken out from school to bring additional income.² Some children, are more likely to grow up in exploitative work conditions, especially children doing agricultural work and children within refugee communities (Palestinian population in the Occupied Syrian Golan, for instance).

- **Child marriage**

As previously mentioned, girls are more likely to be subject to parental decisions notably on marriage. The official figure of child marriage among women aged between 15 and 19 is almost 10%.³

- **Corporal punishment and “honour crimes”**

Although corporal punishment and other disciplinary sanctions are forbidden at school, it is considered lawful within the familial environment if it remains ‘within limits’. Domestic violence against children is widespread. The 2009 Family Health Survey reports that 52% of Syrian children are victims of physical violence.

“Honour killing” exists in Syria. It is linked to gender issues since women and girls are more likely to be threatened by this practice. The official figure related to “honour crimes” is unknown. However, human rights organisations report that prior to the conflict up to 200 cases were registered per year. Honour killings are amongst the worst form of violence perpetrated against young girls.⁴

Accordingly, raising awareness on the fact that cultural practices and deep-rooted social standards may be at some extent harmful for children is probably one of the biggest challenges to strengthen child protection system in Syria.

¹ UNICEF SITAN 2009

² However, it is important to note that great achievements have been done in order to increase school enrolment and attendance rate. According to the last MICS (2006) the attendance rate for primary school reached 96%.

³ Multiple Indicator Cluster Survey 2006

⁴ UNICEF; “Situation Analysis of Children Living in Syria”, 2009

Child protection system in Syria: government actions and childcare system

Syria ratified the Convention of the Rights of the Child (CRC) in 1993. The Syrian Commission for Family Affairs created in 2003, is the key body responsible for monitoring and coordinating efforts to implement the Convention. It also aims at reviewing the Penal code and the personal Status code (Family Law) in order to ensure full protection, notably as regards girls and women.

It was the first time that child protection was raised at the national level. The same year, a draft of the National Plan of Action for the Protection of Children was submitted to the SCFA. It includes the creation of a national database to register cases of child abuse and neglect. Information on the implementation is not widely available.⁵

UNICEF pointed to the weak legal and administrative framework for child protection, lack of disaggregated data (for instance, the number of children with disabilities is unknown) and the weakness of its preventive measures.⁶ They all contribute to the exacerbation of CP issues in this prolonged conflict.

Civil society organisations in Syria include charities, religious organisations, and cultural and social associations.⁷ Child rights organisations mainly focus on providing assistance to children with disabilities, unaccompanied and separated children and those living in disadvantaged environment such as rural areas.⁸

Furthermore, family – based care is largely preferred to alternative care system.⁹ Childcare is provided in accordance with Sharia, which promotes biological links between children and their caregivers. Consequently, alternative care system in Syria is not widespread. Community-based services are not operational either and there is a lack of appropriate residential care centres for children in need (especially children victim of violence).¹⁰ However, it is worth noting that there are numerous religious structures that provide care and assistance children in need (orphans, unaccompanied children, and school –droppers...)

Last but not least, the age of criminal responsibility in Syria is 10 year old. Reports pointed out that a substantial proportion of children in need of care and protection are identified and dealt with on the basis of laws relating to vagrancy and begging. As a result, they may be held in residential facilities with juvenile offenders and essentially treated in the same way.¹¹

⁵ Save the Children Sweden, *Child rights situation analysis – Middle East and North Africa*, August 2011

⁶ UNICEF - Syrian Commission for Family Affairs: *Suggested directives and programmes on childhood in Syria for the period 2011-2015- Approaches and conclusions from the Situation Analysis of Children 2008;23/05/2010*

⁷ Committee on the Rights of the Child, Third and fourth periodic reports of States parties due in 2009, 2 June 2010, Syrian

Arab Republic, CRC/C/SYR/3-4

⁸ Save the Children Mena

⁹ Assessment of the Alternative care system in the Syrian Arab Republic 2011

¹⁰ Ibid

¹¹ Ibid

Background to the current situation

23 months ago, the Syrian crisis broke out and soon after led to a humanitarian crisis. In June 2012, The Syrian crisis was officially recognised as a civil war.¹² According to the United Nations, 52 parties are currently engaged in the conflict.¹³ The militarization of the conflict deepened the humanitarian crisis.¹⁴ The death toll from this civil war has reached 60, 000 people and it has spiralled to about 5000 per month.¹⁵

The insecurity and the escalation of violence characterised in part by the shelling of populated areas have forced millions of civilians out of their homes. An estimated 600,000 have crossed the borders into neighbouring countries, and approximately 2.5 million remain internally displaced.¹⁶ Furthermore, the rise of violence also has nurtured tensions within the host communities, thus paving the way for sectarian violence characterised by attacks directed at Iraqi and Palestinian refugees or by the shelling of “Alawite villages”.¹⁷

While the number of Syrian refugees is dramatically increasing and will probably rise up to 1.1 million by mid-2013, there is a growing displacement taking place inside the country.¹⁸ Over half of the 4 million people affected by conflict have been forced to leave their homes. Moreover, IDPs lack access to livelihood opportunities and are therefore dependent on humanitarian aid.

Limited humanitarian access and lack of information are obstacles for the assessment of child protection priority needs in the Syrian context.¹⁹ Nonetheless, eyewitness accounts, media reports and information issued by the UN, NGOs and activists indicate that there is evidence that children are unsafe, are being denied fundamental human rights and are subject to serious violations of international humanitarian law.

Reports indicate that killings targeting children were committed from the early days of the conflict. UN reports that “children have not only been targeted by security forces, but they have been repeatedly subject to the same human rights and criminal violations as adults, including torture”.²⁰

Thousands of children have already suffered through months of conflict and as a cold winter affects this vulnerable population, higher child morbidity and mortality are likely to follow.

Finally, the prolonged conflict is contributing to the breakdown of the institutional, social and legal protections for children - the capacities of families and communities to protect children are significantly reduced.

¹² The conflict war declared a “civil war” by the International Committee of the Red Cross (ICRC) on 07/15/2012, (ECHO 12/2012)

¹³ United Nations Radio; “Situation for children in Syria is “dire”: UN Official”; 18/10/2012 (SRSG Leila Zerrougui reports)

¹⁴ Human Rights Council; *Report of the independent international commission of inquiry on the Syrian Arab Republic*; 16/08/2012

¹⁵ National Public Radio; “2 Million Displaced Syrians Are Living ‘Rough’”; 04/01/2013

¹⁶ UNHCR - 30 January 2013

¹⁷ Human Rights Council; *Report of the independent international commission of inquiry on the Syrian Arab Republic*; 16/08/2012

¹⁸ UNHCR (12/2012)

¹⁹ SARC and ICRC were the only two agencies that were allowed in Syria in Feb 2012 (ACAPS 2012)

²⁰ OHCHR (09/2011)

Child Protection Concerns inside Syria

Standard 7: Dangers and Injuries

What is the issue?

The Syrian conflict is of an urban nature. Major conflicts take place in large cities such as Damascus.²¹ Battles are taking place on highways, streets and from residential buildings. Cities experience aerial bombardments and large parts of many cities are in ruins.

Significant displacement is occurring from Damascus.²² It was reported that landmines that have been set near the Turkish border (Southern Idlib region) aimed at blocking refugees and supplies for insurgents.²³ The shelling of populated areas and the systematic destruction of primary infrastructures such as hospitals and schools underline the risks of physical injuries, permanent disability and death among children.

The extensive use of explosive weapons and landmines is killing and maiming children. There are reports of indiscriminate attacks on buildings and passers-by using high calibre machine guns, tanks, mortars and explosive weapons, which results in the death of civilians including children. There are also credible reports of children being killed by bomblets and cluster bombs.²⁴ Damascus hospital reports that it is receiving an average of 70/100 people per day as a result of burns, gunshot wounds, injuries from explosion: an increasing number of women and children are among them.²⁵

Thus, injury and death due to Explosive Remnants of War is highly likely, especially for children who may not know how to identify a mined area. There are reports that thousands of children died as a result of bombardment by air or by artillery shelling.²⁶

Moreover, it is important to note that according to the United Nations, inhabitants of the occupied Syrian Golan were already exposed to minefields prior to the conflict. There are about 2 million mines and 76 minefields in the Golan.²⁷ The Syrian government reports that there have been 531 victims of Israeli landmines in the Golan including 202 fatalities, mostly among children, and 329 persons who suffer from permanent multiple disabilities as a result of injuries.²⁸

Given the heavy use of EWR, it is expected that mines will be increasing the risk of killing and maiming children, even after the end of the conflict.

Syria has neither signed nor ratified the Convention on Cluster Munitions of 2008. This international legal framework bans the use of cluster munitions and stockpiling. Human Rights Watch has already published a report calling attention to Syria using cluster munitions: there is evidence that Soviet-made cluster munitions are being used.²⁹

²¹ Irin news; "SYRIA: Fighting in capital adds to growing displacement challenge"; 20/07/2012 and Irin news; "SYRIA: Mustafa, "The army came to my home to fire on the rebels from the veranda"; 11/01/2013

²² National Public Radio; "2 Million Displaced Syrians Are Living 'Rough'"; 04/01/2013

²³ ACAPS; Disaster needs analysis – Update Syria Conflict; 21/06/2012

²⁴ Human Rights Watch; "Syria: Evidence Shows Cluster Bombs Killed Children-All Governments Should Press Damascus to Stop Using Cluster Munitions"; 27/11/2012

²⁵ World Health Organisation; *Syrian Arab Republic, Jordan, Lebanon and Iraq Situation Report*, Issue 8; 2/1/2013

²⁶ The Syrian Revolution Martyr Database reports that as of January 2013, about 2400 children died as a result of bombardment and shelling

²⁷ Human Rights Council, 'Report of the Special Rapporteur on the Right to Food, Olivier De Schutter Addendum Mission to the Syrian Arab Republic', A/HRC/16/49/Add.2, 27 January 2011 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/104/59/PDF/G1110459.pdf?OpenElement>

²⁸ Figures as of 31 December 2009, UNRWA, 'UNRWA: Syria', <http://www.unrwa.org/etemplate.php?id=55>

²⁹ <http://jurist.org/paperchase/2012/10/syria-military-using-banned-cluster-bombs-hrw.php>

Current and potential capacities

It is reported that UNICEF is working with NGO partners to bring Mine Risk Education to children through Child Friendly Spaces, schools and media campaigns.

Moreover, the United Nations Mine Action is now officially allowed to cover the territory.³⁰ Its core activities will be:

- ERW Awareness training and Mine Action Coordination
- Explosive Remnants Survey and Mine Action Coordination

Standard 8:

Physical violence and other Harmful practices

What is the issue?

The risk of violence, physical and sexual abuse and corporal punishment are more significant during a conflict. In addition to that, the weakened protective environment surrounding the child increases the risk of violence, abuse, exploitation and neglect of children. Moreover, the widespread lawlessness in cities such as Dara'a, Homs, Damascus and Aleppo increases the chance of abduction and similar violations.

Children are victims of targeted killings and summary executions

Attacks on schools and hospital

There is evidence that children are being subjected to military action and associated harms. The absence of a protective environment for children is worsened by the fact that schools are regularly targeted by military actions or used as military bases. It is reported that 2400 schools have been destroyed since the beginning of the conflict.³¹

Summary executions and abductions

In May 2012, about 108 people have been killed in Houla (a poor area in Homs province). Children were killed by snipers or have being maimed while running for shelter. This event made 49 dead among the children.³²

Finally, children are also targeted by military operations when they participate in demonstrations. They are chased and kidnapped from schools for instance. There is a report of a boy who witnessed the random "arrest" of 50 children from his village, in which a demonstration took place a while ago: *"As a punishment, armed men went to the school. They selected 50 children at random in the classrooms, from grades 1 to 7. They took them out of the school and tore out their fingernails. Many of these children were six years old, just six – They kept the children."*³³

Children from minority groups are also in danger. The attack of the Al- Yarmouk camp in Damascus in December 2012 caused the killing and injuring of Palestinian children. The Al-Yarmouk camp houses Palestinians and also Syrians displaced by fighting. The attack made 8 victims. In August

³⁰ <http://www.mineaction.org/country.asp?c=191>

³¹ Education cluster - RAT

³² Human Rights Watch "Syria: Stop Grave Abuses of Children, Secretary General's Report Should Prompt Security Council Sanctions"; 11/06/2012 and Warchild; *Syria: A War on Childhood*; July 2012

³³ Save the Children; *Untold Atrocities: The Story of Syria's Children*; October 2012

Desk review – child protection in Syria – – 1 February 2013

2012, a mortar attack had killed 20 people in the camp.³⁴ Many Palestinian refugees left for Homs. As a result, there is a growing concern for the estimated 80,000 Iraqi and 500,000 Palestinian refugees living in Syria.³⁵ Furthermore, it is worth adding the killings in Houla took place in an area of Sunni Muslim villages.³⁶ In January 2013, 56 people have been killed during a clash between rebels and Kurds in Northeast Syria.³⁷ It is important to note that Kurds have been systematically discriminated against, including arbitrary denial of citizenship to an estimated 300,000 Syria-born Kurds.³⁸

To sum up, children are at risks of injuries, abduction and death dangers at schools, hospitals and in rebel held areas. Children are also victim of sectarian violence against refugee communities and ethnic minorities. Finally, children engaged in protest movements are also under increased risk of being abducted, detained and tortured

Syrian children are victims of arbitrary detention and systematic use of torture

Arbitrary detention and systematic use of torture against children have been reported since the early days of the conflict. Adult detainees asserted that children were also present in detention cells. It is also reported that protests for the release of child detainees took place in Dera'a.³⁹

Children living around detention areas are at higher risk of being detained. It is worth noting that detention facilities where children reported being tortured include: the military security detention centre in Homs, the military security detention centre in Tartous, the Balooneh detention center in Homs, the Palestine detention centre in Damascus, and the 291 detention center in Damascus.⁴⁰ Local activists have recorded the detention of 635 children and 319 women as of June 22, 2012.⁴¹

Human rights organisations have denounced the fact that Shabbiha militia- (pro-government paramilitary forces) is targeting young boys and girls, often with torture. Besides, schools are used as detention cells, where children are denied medical treatments, food and water.

Finally, there is a rising incidence of torture which itself results in an upsurge in death in detention. At least 2000 reportedly died in detention cells in suspicious circumstances, many appeared to have been tortured, many children among them.⁴² There is evidence that children died in custody. Besides, out of the 88 male/boys that allegedly died in custody between the beginning of the conflict and July 2011, 10 were boys.

Current and potential capacities

The prolonged conflict has resulted in a reduction of resources and capacities of basic services: education, health and childcare.

Care institutions: there were about 4000 children registered in Syrian care institutions/orphanages, prior to the conflict. As far as juvenile centres are concerned, there were about 3000 children

³⁴ <http://www.bbc.co.uk/news/world-middle-east-20747485>

³⁵ ECHO Factsheet Syria -10 December 2012

³⁶ The Huffington Post " Syria Massacre Victims In Houla Executed, Says UN"; 29/05/2012 and Human Rights Watch " , Secretary General's Report Should Prompt Security Council Sanctions"; 11/06/2012

³⁷ <http://in.reuters.com/article/2013/01/22/syria-crisis-idINDEE90L07P20130122>

³⁸ -Human Rights Watch, 'World Report 2011: Events of 2010', 24 January 2011 Syria Chapter, available at <http://www.hrw.org/en/world-report-2011/syria>

³⁹ Amnesty International; Annual Report 2012 – *the state of the world's human rights – Syria*

⁴⁰ Human Rights Watch, " Security Forces Detain Juveniles, Occupy Schools"; 03/02/2012

⁴¹ Human Rights Watch; *Torture Archipelago Arbitrary Arrests, Torture, and Enforced Disappearances in Syria's Underground Prisons since March 2011*; July 2012

⁴² Amnesty International; Annual Report 2012 – *the state of the world's human rights – Syria*

Desk review – child protection in Syria – 1 February 2013

registered.⁴³ These institutions are generally unable to provide for physical, educational and psychological needs of the children.⁴⁴

Schools are hosting internal displaced populations across Syria. As of October 2012, about 1956 schools were being used as shelters.⁴⁵ School also are currently being used as detention areas.

However, it seems that schools are still working in general despite the fact that teachers and school personnel are all also victims of military operations.

Some therapeutic aid may be offered to children who would need psychosocial support. However, it is worth pointing to the fact that teachers are not social workers and do not necessarily have sufficient skills related to psychological support.

Hospitals are also targeted by military actions; the overall health facilities are part of the war zone.⁴⁶ Temporary hospitals performing surgery tend to be hidden in residential houses, abandoned public facilities or are buried underground.⁴⁷ “The medical workers themselves have been tracked down and subject to threats for providing assistance to those associated with opposition groups”.⁴⁸

Medical professionals have also fled. It is reported that over 50% of the medical doctors have left the Homs (UNICEF). In Damascus, Aleppo and Homs at least 70 % of the health providers live in rural areas and therefore frequently cannot access their work place due to irregular public transportation and unsafe roads with an increasing number of military check points.⁴⁹

MSF points to the fact that the remaining medical staffs is not trained to perform war surgery

Coping mechanism resulting in harmful practices against children

Cases of abuse and negative coping mechanisms may arise even within families and communities, since their livelihood is compromised. Harmful survival strategies are emerging. Indeed, under prolonged and heavy pressure, families may resort to strategies such as early marriages and child labour (informal labour) as coping mechanisms.

Child marriage

As mentioned in the preface, child marriage is a common practice in Syria. The legal age for marriage in Syria is 17 for girls and 18 for boys though the law is not punitive for marriages celebrated below the minimum age (for girls). Religious leaders are allowed to make an exception and approve informal marriages at the age of 13 for girls and 16 for boys.⁵⁰

Early marriage is a potential Child Protection issue, notably in rural areas where the risk may be widespread given the economic context and the weakness of family resilience. Parents are unable to fulfil the primary needs of their children, which is one of the explanations behind the increased number of early marriages.

Besides, there are reports of a tendency to encourage girls to early marriage. For instance, it was reported that among the Syrian refugee population in Jordan, many girls are married at the age of 13 or 14. They mainly come from Homs and Dera'a.⁵¹

It was reported that families are tempted to think that marrying their girls earlier would provide them with further protection. A volunteer for the Syrian Women Association asserts that in most cases they were already engaged in Syria.⁵²

At the same time, accounts collected from Syrians who have crossed the border to Jordan suggest that the population may not be so keen to marry girls at a young age. Interviewee girls often mentioned 20 years old as an acceptable age given the context. While it appears that some level of

⁴³ UNICEF; Child Protection Indicators: Casual Analysis and Conceptualisation, in preparation for the CPD 07/11/2010 ()

⁴⁴ UNICEF (2009)

⁴⁵ Child Protection Issues/Gaps/Concerns in Syria Crisis ()

⁴⁶ MSF; “Syria’s Hospitals Are Now a War Zone”; 13/01/2013

⁴⁷ Ibid

⁴⁸ Warchild; *Syria: A War on Childhood*; July 2012

⁴⁹ World Health Organisation; *Health Situation in Syria and WHO Response*; 26/11/2012

⁵⁰ Ibid

⁵¹ Irin news; “JORDAN: Early marriage - a coping mechanism for Syrian refugees?” 22/07/2012

⁵² Ibid

Desk review – child protection in Syria – 1 February 2013

early marriage has been and still is common in Syria, it is not clear if the situation has deteriorated since the conflict or not.

Child labour and other forms of exploitation

Syria increased the minimum age of admission to 15 years. However, despite legislative reforms, approximately 4 per cent of children aged 5-14 continue to work, without any legal protection.⁵³ The national rate is around 18% of children between 10 and 17.⁵⁴

In 2008 extreme poverty reached 17% of the Syrian population.⁵⁵ Successive drought resulting to consecutive harvest failure increased the level of poverty within households. Families were forced to take out their children from school to get extra income.

UNICEF reports that child labour is prevalent in poor households and in the poorest parts of Syria-like in the North – East governorates, where agricultural work prevails.⁵⁶

The risk of exploitative practices, notably in agricultural work and within refugee populations is high. Girls are more likely to evolve in exploitative conditions, notably thus working in agriculture.

Besides, the Syrian government in collaboration with UNICEF and ILO initiated a National Plan for the elimination of the Worst Forms of Child Labour.⁵⁷ As far as sexual exploitation is concerned, the SCFA has initiated a study in Damascus and Aleppo.⁵⁸ This study includes a qualitative research on child and women prostitution. To date, there is no information available regarding the findings of this study.

At the moment there is no evidence that suggests the prevalence of the Worst Forms of Child Labour (WFCL) for conflict-affected children inside Syria.

However, the harsh living conditions for families affected by the conflict will certainly have an incidence on the increase of child beggars and promote other forms of exploitation. In addition, the legal system does not consider child beggars or theft as a Child Protection issue; it is perceived as a legal offence. In other words, children in this situation are criminalised rather than protected-. The age of criminal responsibility in Syria is 10 years old.⁵⁹ Children are sent to corrective centres or in most cases, judges prefer placing the juveniles within families (UNICEF 2009).

It is worth adding there were reports of exploitative practices against Syrian refugees. The existence of WFCL inside Syria should be investigated through other methodologies.

Standard 11:

Children Associated with Armed Forces or Armed Groups

What is the issue? In spite of condemnations, children continue to be recruited or used by armed forces and groups. In many contexts of armed conflict children are used in a number of ways to support the “war effort”. They are used either as direct participants in hostilities, or in active participant roles such as carriers or lookouts. It is worth adding that recruited children are in most cases

⁵³ UNICEF, ‘Progress for Children: A Report Card on Child Protection Number 8’, September 2009

⁵⁴ Child labour in Syria, 2002, p. 8, outdated information and ILO/UNICEF report (March 2012)

⁵⁵ Human Rights Council, ‘Report of the Special Rapporteur on the Right to Food, Olivier De Schutter Addendum Mission to the Syrian Arab Republic’, A/HRC/16/49/Add.2, 27 January 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/104/59/PDF/G1110459.pdf?OpenElement>

⁵⁶ UNICEF; “Situation Analysis of Children Living in Syria”, 2009 (Executive)

⁵⁷ ILO, ‘Challenges in the Arab World: An ILO response Creating Decent Work Opportunities in the Middle East and North

⁵⁸ <http://www2.ohchr.org/english/bodies/crc/docs/statements/43syria.pdf>

Desk review – child protection in Syria – – 1 February 2013

exploited, abused, separated from their families and are more likely to suffer from Post-Traumatic Stress and Mental Disorder. International law sets 18 as the minimum age for participation in direct hostilities. Though, voluntary enlistment by states is allowed between the ages of 15-18. Syria has set their own age for national recruitment at 18.

Finally, children are more vulnerable to indoctrination in a context such as today's Syria, where they have witnessed death and maiming of their loved ones in addition to prolonged economic hardship and insecurity. This contributes to the emergence of child soldiers.

Armed groups are using children

A report from HRW states that the armed opposition is using children for combat and other military purposes.⁶⁰ The recruitment methods can consist of enticing children with money, glorifying freedom fighters, or diffusing the idea that killing the enemy is part of the Jihad.⁶¹

Human Rights Investigation obtained a video footage of an assault on the army checkpoint and the massacre of prisoners in Saraqeb (East of Idlib). The video clearly shows the presence of a child soldier fighting along with armed group. There is evidence that children help with frontline medical duties, thus increasing their risk to be maimed or killed. Children as young as 14 are used for logistic purposes (like carrying weapons) or as lookouts, whereas children aged from 16 are encouraged to carry arms and engage in combats against government.⁶² So far, 17 children who fought along with the FSA died and many others got injured or permanently disabled.⁶³

Finally, Human Rights Watch interviewed 5 boys who asserted that they have volunteered to fight against the government along with older siblings and family members in Homs, Dara'a and in a small town located in Idlib.⁶⁴

Children used as human shields

In recent months, armed opposition factions appear to have embraced more radical guerrilla tactics, such as suicide bombings.⁶⁵ Children are being used as human shields to perpetrate these actions. There are reports that children between 8 and 13 are more likely to be used as such.⁶⁶

Current and potential capacities

Prior to the conflict, there was no evidence of children being militarily engaged since the country was at peace. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which has been ratified by Syria on the 17 October 2003, through declaration sets 18 as the minimum age for recruitment into Syrian National active armed forces and reservists.

However, in this conflict, accounts from Syrian refugees show that children are also voluntarily engaged in military actions. Adolescent boys reported that they volunteered in order to help their older siblings who are already involved in military operations.⁶⁷ Besides, there are reports of refugee adolescent boys (notably in Jordan) who went back to Syria in order to fight along with the rebel groups. These boys are either under family pressure or they do it voluntarily. There is currently no

⁶⁰ Human Rights Watch; “- Boys Report Serving as Fighters, Guards, and Lookouts”; 29/11/2012

⁶¹ Human Rights Investigations; “Stop the use of child soldiers by the Syrian rebels”; 10/11/2012

⁶² Human Rights Watch; - Boys Report Serving as Fighters, Guards, and Lookouts”; 29/11/2012

⁶³ Ibid

⁶⁴ Ibid

⁶⁵ ACAPS; Disaster needs analysis – Update Syria Conflict; 22/12/2012 -AFP 2012/12.13, CFCIC 12/2012

⁶⁶ Warchild; Syria: A War on Childhood; July 2012 and The Guardian; “Syria crisis: UN says children used as human shields”; 12/06/2012

⁶⁷ Human Rights Watch; “- Boys Report Serving as Fighters, Guards, and Lookouts”; 29/11/2012

Desk review – child protection in Syria – – 1 February 2013

report of humanitarian response dealing with children associated with armed forces and armed groups inside Syria.

Standard 9: Sexual violence

What is the issue?

Many reports underline the fact that sexual violence is committed during military assaults. According to the Security Council resolution 1882 (2009), sexual violence is one of the 6 grave violations for which armed forces or groups can be named and shamed before the UN Security Council.

2,000 girls and women raped throughout Syria who have come to Damascus seeking support.⁶⁸ The youngest was a 7-year-old girl who died on the operating room table. Cases were reported all around Syria, but most of all in Homs province, an epicentre of the revolt (HRW) with 35% of cases. It is also worth noting that 40% of the deaths in Homs are women.⁶⁹

Sexual violence is used against children as a weapon of war⁷⁰

There are reasonable grounds to believe that parties to the conflict perpetrated rape and sexual assault against men, women and children. Rape and sexual assaults were also used as a method of torture in official and unofficial detention centre.⁷¹ Rape and sexualised torture represent 75% of reported cases in detention facilities, thus involving boys and girls.⁷²

The assaults are not limited to detention facilities.⁷³ In fact, there are reports that sexual violence happens in Syria.⁷⁴ Moreover, collective shelters provide limited privacy and increase the risk of GBV- Women and girls can more easily be targeted for rape.⁷⁵ Indeed, military forces resort to sexual violence - women and girls as young as 12 have been sexually abused during raids and military sweeps of residential areas.⁷⁶ Women's rights activists and different sources report that rape is now used as a war tactic.⁷⁷ Although reports highlight that sexual violence targeting women and girls are recurrent in urban areas and mostly in Homs, it is worth noting that cases of Gender Based Violence may occur in rural areas. In addition, there is no information on sexual violence committed within communities (by family members or by civilians for instance).

In Syria and broadly in Middle Eastern traditions, shame and stigmata are attached to rape. Thus, it is difficult to assess the incidence of sexual abuse and rape against children as it is assumed to be a social taboo. Some Women's rights organisations reported that women and young girls, victims of sexual abuse, are more likely to commit suicide or to be killed in honour killings. It is important to note that honour killing is not exclusively considered as a CP issue in the sense that it mostly refers to

⁶⁸ Women under Siege; "The ultimate assault: Charting Syria's use of rape to terrorize its people"; 11/07/2012

⁶⁹ Women under Siege; "The ultimate assault: Charting Syria's use of rape to terrorize its people"; 11/07/2012

⁷⁰ Human Rights Watch; "Security Forces Also Attacked Women and Girls in Raids on Homes"; 15/06/2012

⁷¹ Human Rights Council; *Report of the independent international commission of inquiry on the Syrian Arab Republic*; 16/08/2012

⁷² (Women under Siege – 07/2012) - CNN – "tracking violence against women"

⁷³ Human Rights Watch; "Syria: Sexual Assault in Detention - Security Forces Also Attacked Women and Girls in Raids on Homes"; 15/06/2012

⁷⁴ International Rescue Committee; "Syria: A Regional Crisis", January 2013 and ACAPS; Disaster needs analysis – Update Syria Conflict; 22/12/2012

⁷⁵ ACAPS; Disaster needs analysis – Update Syria Conflict; 22/12/2012

⁷⁶ Human Rights Watch; "Syria: Sexual Assault in Detention - Security Forces Also Attacked Women and Girls in Raids on Homes"; 15/06/2012

⁷⁷ Women under Siege; "The ultimate assault: Charting Syria's use of rape to terrorize its people"; 11/07/2012

Desk review – child protection in Syria – 1 February 2013

female family members who had been found committing “illegitimate sex acts”, and for the murder of wives having extramarital affairs.⁷⁸ Moreover, Article 548 of Syria’s Penal code used to give judges options for reduced sentences if a crime was committed with “honourable” intent.⁷⁹ Since 2009, honour killers incur a minimum jail sentence of two years. The SCFA organised a national conference in 2008. It led to the removal of Article 548 of the penal code (1/07/2009) which allows a “complete exemption of penalty”. Absence of data related to this issue among the conflict- affected population is a great concern.

Current and potential capacities

Prior to the conflict, the MoSAL created 2 centres to host girls in order to provide psychological and medical care as well as capacity development. Two other shelters were established by NGOs to help victims of violence. As far as the legal aspect is concerned, the Syrian Criminal Code protects minors from sexual abuse by prescribing severe penalties for perpetrators: Article 489 of the Code stipulates 21 years’ imprisonment if the victim is under 15 years of age.

Between 2010 and 2012, UNICEF facilitated the training of 102 staff from UN, NGOs and government on the prevention and response to SGBV (sexual and gender based violence).

To finish, the risk of “honour killings” may compromise access to victims of sexual and gender based violence. Indeed, some interviewees told HRW that victims did not want their families to know about the assault because of fear or shame. Thus, this would intensify their psychological distress.

Standard 10: Psychological Distress And Mental Disorders

What is the issue?

Children are the most vulnerable to develop post-traumatic stress and mental disorder, in particular those who have been displaced from their homes. This is exacerbated in the case of Syria due to dramatic increase of violence and insecurity that children witness on a daily basis.

There are accounts of children who have seen their family members being killed. A teacher working in a refugee camp reports that at school, some children are painting only in red as to express that they have witnessed massacres and bloodshed. Moreover some children have been detained and tortured. Others feel unsafe when they go to school. Some have even been kidnapped and raped. Syrian children are more likely to experience severe psychosocial distress that could lead to extreme reactions such as nervous breakdowns or even suicide.

A UN commission conducted 168 interviews concerning alleged violations of children’s rights. Of these, 30 interviewees were under the age of 18. In interviews, the adverse psychological and social impact of the violence on children was evident.⁸⁰

Current and potential capacities

⁷⁸ IRIN news; “Half measures against honour killings not enough – HRW”; 29/07/2009

In 2008, the National Forum on Honour Crimes, sponsored by the Syrian Commission for Family Affairs (SCFA) in cooperation with the Ministry of Justice and the Ministry of Religious Endowments, set out a number of key recommendations, including repealing Article 548

⁷⁹ Human Rights Watch; *World Report 2012: Syria- event of 2011*

⁸⁰ Human Rights Council; *Report of the independent international commission of inquiry on the Syrian Arab Republic*; 16/08/2012 (Violations of children’s rights)

Desk review – child protection in Syria – 1 February 2013

To date, psychosocial intervention is probably one of the core sections as regards CP issues inside Syria. Indeed, the establishment of CFS and the provision of training for psychological support are the main responses that have been delivered so far. Moreover, it is worth noting that psychosocial support for children is a recurrent priority in every issue detailed in the desk review.

UNICEF, in collaboration with local partners such as the SARC, is working to provide training for Psychological First Aid, in the area of Child Friendly Spaces and improvement of school environment. Initially targeting the conflict affected Iraqi refugees in Syria, they are now expanding their community based psychological programming to Syrian families (mothers and children).

In August 2012, nearly 27 000 children in Rural Damascus, Daraa and Lattakia have been reached through a combination of key partners and public services:⁸¹ in Damascus UNICEF and its partners facilitated the creation of after school activities (including remedial courses and psychosocial support activities). In addition, 33 nationals from NGOs and local communities were trained in Psychological First Aid. They are expected to follow up training for more than 145 front line workers, community volunteers, women and civil society organization. Finally, 8 mobile Child Friendly Spaces opened in Damascus, Aleppo and Homs to ensure psychosocial activities for around 200 children.

Standard 13: Unaccompanied And Separated Children

What is the issue?

Registration data from Syria's neighbouring countries—where Syrians have settled since the conflict erupted—shows that very few children are crossing the border unaccompanied or as an officially separated child. This, however, does not necessarily mean that children are not separated from their caregivers in Syria. Therefore, particular attention should be paid to this issue during the data collection using other methods to determine its scale and pattern.

Nonetheless, the shelling of many residential areas in addition to general insecurity can easily compel parents to entrust their children to relatives who may live in less insecure areas. Thus, separation of children from their parents is occurring in this conflict. The risk is higher during population movements and while children are receiving care or services in hospitals or schools.

Accordingly, family tracing may be compromised because separation is endemic in the Syrian society. Indeed, voluntary separation due to poverty is commonplace. Parents have sent away their children at times on their own or to foster families. Kinship care is widespread – thus it is important to note that a large number of orphans live with their relatives, this is an informal type of childcare and the level and scope is unknown. In addition to that, caregivers do not always register those children out of fear and we may assume that the emergence of sectarian violence will reinforce their fear to give information. Finally, birth registration which is primordial for family tracing; though it is worth noting that according to UNICEF, prior to the conflict 5% of new births were unregistered in Syria.⁸² This is partly due to parental ignorance, geographical remoteness or illegal marriages in some cases. We may assume that this figure has risen out the outbreak of the conflict.

Current and potential capacities

There is currently no response to date regarding the issue of separation. The creation of mobile Child Friendly Spaces may enable social workers as well as teachers to reach separated and unaccompanied children and to provide them with urgently needed support.

⁸¹ UNICEF Syria – Situation Update, August 2012

⁸² Syrian Arab Republic Multiple Indicator Cluster Survey- 2006
http://www.childinfo.org/files/MICS3_Syria_FinalReport_2006_Eng.pdf

Desk review – child protection in Syria – – 1 February 2013

Nonetheless, a few accounts on childcare system in Syria might be helpful to find out what are the resources that are employed to deal with UASC prior to the conflict.

As mentioned in the preface, family –based support is a priority whereas alternative care should be a last resort measure. In other words, children’s separation from their families and close parents is prohibited. Thus, adoption is perceived as against Islamic law.⁸³ Blood link is preferred, however without regarding whether the family context is favourable to the child – the Best interest of the Child is not taken into account.

As far as alternative residential care is concerned, it is more considered as a financial support to “dysfunctional families” rather than a response to orphans’ needs and protection. Kafala is a privileged way of enabling a child to remain with his/her parents instead of being placed in a residential facility.⁸⁴ However, it is important to note that orphanages and rehabilitations do host separated and unaccompanied children in need of care. The official figure given by the Ministry of Social Affairs and Labour prior to the conflict was 4000 children hosted in orphanages and 3000 children living in juvenile centres. Two institutions host unaccompanied children (mainly foundlings). They are based in Aleppo and Damascus. These residential cares may currently be not being functional due to the upsurge of violence and the rise of insecurity. Besides, it was reported that religious representatives such as Sheiks have hosted children in the mosque.

⁸³ Besides, Syria made reservations for Articles 20 and 21 (which refer to adoption), with the declaration that these provisions are “incompatible with the precepts of the Islamic *Shariah*, the provisions of the Syrian Personal Status Code, and prevailing Syrian law”.

United Nations Treaty Collection, ‘Human Rights: Convention on the Rights of the Child’
http://treaties.un.org/Pages/View_Details.aspx?src=TREATY&msgid=IV-11&chapter=4&lang=en

⁸⁴ Assessment of the Alternative Care System in the Syrian Arab Republic 2011