



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

Initial reports of States parties due in 2005

SYRIAN ARAB REPUBLIC*

[Original: Arabic]
[29 August 2005]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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Introduction

1. The Syrian Arab Republic acceded to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography by Decree No. 379 of 26 October 2002 and Decree No. 35 appended thereto. The Syrian Arab Republic's accession to the Protocol was registered with the United Nations on 15 May 2003.
2. Pursuant to Article 12, paragraph 1 of the Protocol, this initial report on measures to implement the provisions of the Protocol is hereby submitted.

I. A BRIEF OVERVIEW OF THE SYRIAN ARAB REPUBLIC

3. The Syrian Arab Republic is situated on the eastern coast of the Mediterranean and borders Turkey on the north, Iraq on the east, Jordan and Palestine on the south, and Lebanon and the Mediterranean on the west.
4. Its area is 185 000 square kilometres.
5. The population of the Syrian Arab Republic is 17.9 million people (8 781 000 females and 9 199 000 males).¹

II. DEMOGRAPHIC INDICATORS

6. Children under the age of 14 account for 39.6% of the total population (7 119 000 children, comprising 3 674 000 males and 3 445 000 females).
7. Adolescents between the ages of 15 and 19 accounted for 12.9% of the total population as of mid-2004 (2 325 000 adolescents in this age group, comprising 1 226 000 males and 1 099 000 females).²

III. LEGAL POSITION OF THE PROTOCOL IN THE DOMESTIC LAW OF THE SYRIAN ARAB REPUBLIC

8. International Conventions and protocols appended thereto to which the Syrian Arab Republic has acceded have the force of law in the SAR, and are deemed to take precedence over domestic legislation in the event of any inconsistency between the two (Civil Code, art. 25; Code of Criminal Procedure, art. 311).
9. Most of the offences referred to in the Protocol are covered by the provisions of existing legislation in the SAR.

A. Sale of children

10. Despite the fact that the crime of selling children is not explicitly prohibited in the SAR, it is adequately covered by existing applicable legislation.

11. Under the Civil Code, every person has the right to acquire a forename and surname.
12. Furthermore, personal freedom is inalienable, and every person who has been wronged as a result of an attack on his identity is entitled to appropriate compensation (Civil Code, arts. 50, 51, 52 and 53).
13. The Care of Foundlings Act provides that every person who comes upon an abandoned child shall turn the child in to the nearest police station, together with the clothes it was wearing when found and all other articles found with it or in its vicinity.
14. The officer in charge of the police station shall prepare a report stating the time, place and circumstances of the discovery of the child, its approximate age, distinguishing marks, and sex, and the full name, age, place of residence and address of the person who found it. The report shall also state that the whereabouts of the child's parents are not known (Care of Foundlings Act (law No. 107 of 1970), art. 2). The Act also provides that every foundling shall be deemed to be a citizen of the Syrian Arab Republic (art. 13). The object of these provisions is to prevent any attempt to traffic in these children or to alter their civil status records.
15. The Penal Code provides for severe penalties for the crimes of abduction, unlawful confinement or alteration of identity, especially where the purpose of the offence is to eliminate or falsify a child's civil status records or to enter spurious civil status information in official records (Penal Code, arts. 478, 479, 480 and 481).
16. The Code provides that every person who abducts a minor for the purpose of committing an offence against the minor's chastity and does so, even where the offender does not use deception or violence, shall be liable to a penalty of not less than 21 years of hard labour (Penal Code, art. 502).
17. Moreover, the SAR has signed and acceded to many international instruments relating to trafficking in persons, the exploitation of others for purposes of prostitution, and combating slavery in all its forms. These instruments include:
 1. The Protocol to Amend the Convention for the Suppression of Traffic in Women and Children (Geneva, 30 September 1921), adopted at New York on 12 November 1947. The SAR signed the Protocol on 17 November 1947;
 2. The International Convention for the Suppression of Traffic in Women and Children (Geneva, 30 September 1921), as amended by the Protocol signed at New York on 12 November 1947. The SAR accepted the Convention on 17 November 1947;
 3. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (New York, 12 March 1950), which entered into force in July 1951. The SAR acceded to the Convention on 12 June 1959;

4. Final Protocol to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (New York, 12 March 1950), which entered into force in 1951. The SAR acceded to the Protocol on 12 June 1959;
5. The Slavery Convention signed at Geneva on 25 June 1926, as amended by the Protocol drafted at the Headquarters of the United Nations on 7 July 1953, which entered into force in 1955. The SAR acceded to the Convention and Protocol on 4 August 1954;
6. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Geneva, 7 September 1956), which entered into force on 30 September 1956. The SAR acceded to the Convention on 17 September 1958;
7. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, adopted by General Assembly resolution 45/158 of 18 December 1990. The SAR ratified its accession to the Convention by Decree No. 24 of 10 April 2005.

B. Sexual exploitation of children

18. Under the SAR's legislation, every individual who engages in the sexual exploitation of children in any form is liable to severe penalties.

19. Every person who commits an indecent act upon a minor under 15 years of age or induces such a minor to commit such an act is liable to a term of nine years at hard labour, and where the victim is under 12 years of age, the penalty is not less than 12 years (Penal Code, art. 495).

20. Where the victim is under 15 years of age and has been coerced by violence or threats to submit to or commit an indecent act, the penalty is not less than 18 years at hard labour (Penal Code, art. 493).

21. The Penal Code also provides for severe penalties where two or more persons join forces to overcome the victim's resistance, where the offence results in the victim's being infected with a sexually transmissible disease, where the victim loses her virginity as a result of the offence, or where the offence results in the death of the victim (Penal Code, art. 498).

22. The law provides that every person who touches, fondles or makes lewd remarks to a minor under 15 years of age shall be liable to a penalty of up to eighteen months' imprisonment (Penal Code, arts. 505-506).

23. The meaning of the terms "indecent act" and "lewd behaviour" have been defined by legal rulings handed down by the Court of Cassation, especially in relation to child victims, to include any behaviour of a sexual nature directed against a child:

- “Lewd behaviour” or an “indecent act” is any act committed by a person against another, whether male or female, in a way that is shameful or injurious to his or her modesty or dignity, whether the act consists in the gratification of desire or is committed out of revenge or curiosity or to corrupt the morals of the other person;
- “Immoral behaviour” is an indecent act, but the term is used of any act that is dishonouring and which the perpetrator seeks to conceal;
- The distinction between lewd behaviour and immoral behaviour consists in the importance of the act, the status of the victim, the nature of the area of the body toward which the act is directed, and the time and place of the act. Where it is directed toward a place that is deemed to be part of the genitalia, which people desire to keep concealed and spare no effort to safeguard, the act is deemed to constitute immoral behaviour, while otherwise it is considered lewd behaviour (Court of Cassation, criminal case No. 217, decision No. 309, 7 May 1964);
- Immoral behaviour is not restricted to anal penetration or vaginal intromission; it also includes any act directed against the person in a place such that his or her honour or modesty is adversely affected, such as touching the pubic area with the genital organ or a similar act of a kind deemed, in the view of society, to constitute immoral behaviour. In such a case, a medical report is not necessary to confirm the occurrence of the act (Court of Cassation, criminal case No. 121, decision No. 119, 19 February 1983);
- “Rape” is an expression meaning forcible sexual intercourse with a woman;
- Indecent behaviour or lewd behaviour is any act committed against another person that is injurious to his or her honour and adversely affects his or her modesty;
- Immoral behaviour is an indecent act and includes any act that is dishonouring and which the perpetrator seeks to conceal;
- These offences are distinguishable in terms of the importance of the act, the nature of the area of the body toward which the act is directed, and the time and place of the act (Court of Cassation, criminal case No. 751, decision No. 748, 26 May 1980);
- Indecent behaviour or lewd behaviour is any act committed by one individual with another in a way that is shameful or injurious to his or her modesty or dignity, regardless of whether the act consists in the gratification of desire in the mind of the perpetrator or is committed by way of revenge;
- Similarly, an attempt to uncover or touch a part of a woman’s body that she protects out of modesty is deemed an offence against her honour. The removal of her undergarments and the uncovering of her genitalia are also deemed to constitute an offence against her modesty, injurious to her honour and a stain on her reputation (Court of Cassation, criminal case No. 682, decision No. 689, 19 May 1981);

- To uncover the genitalia and place the penis between the thighs of a young person constitutes indecent behaviour (Court of Cassation, criminal case No. 690, decision No. 737, 21 April 1987);
- To remove the underclothing of a minor, look at his genitalia and play with his anus with a finger is deemed to be indecent behaviour and not a proposition (Court of Cassation, criminal case No. 350, decision No. 401, 20 April 1967);
- To fondle the genitalia of a female minor with the hand is an offence against her honour (Court of Cassation, misdemeanour case No. 1663, decision No. 1458, 24 May 1967);
- To remove the clothing of a minor and introduce the hand into his anus is an offence against his honour (Court of Cassation, criminal case No. 7, decision No. 73, 6 February 1960);
- To kiss a female minor and cause her to grasp the offender's penis is an offence against her honour (Court of Cassation, criminal case No. 111, decision No. 57, 15 January 1968);
- To place the penis in the hand of a minor is an offence against his honour (Court of Cassation, criminal case No. 259, decision No. 168, 22 March 1965);
- The fact that the victim was a female under the age of 15 who frequented the home of the accused and made herself available to him of her own free will and choice is not a reason why the penalty should not be imposed upon the offender, because it was the intent of the legislator (Penal Code, art. 491) to protect minors from being seduced and subjected to aggression, and their will was deemed not yet to have reached a stage of maturity and fullness such that they are able to distinguish between prohibited or criminal acts and acts that are permissible (Court of Cassation, juvenile case No. 334, decision No. 56, 13 March 1982).

C. Child prostitution

24. Under the Penal Code, every person who habitually incites one or more male or female persons under 21 years of age to engage in fornication or debauchery, or aids and abets in their commission of such acts, shall be liable to a term of imprisonment of up to three years (Penal Code, arts. 509-510).

25. The Anti-Prostitution Act (law No. 10 of 1961) provides for severe penalties for every person who employs, persuades or incites any person, male or female, by means of deception, force, threats, the abuse of authority or any other means of compulsion, to commit acts of fornication or prostitution.

26. The penalty is increased to a term of three to seven years' imprisonment where the victim of the crime is under the age of 16, or where the perpetrator is an ascendant of the victim, or a person in charge of his education or tutelage, or a person who has authority over him, or his employer (Anti-Prostitution Act, arts. 3-4).

27. The Act also provides for a term of imprisonment of not less than one year and not more than five years for everyone who brings a person into the SAR for purposes of prostitution and fornication, or who facilitates or aids and abets the entry of such a person, even by means of financial expenditure (Anti-Prostitution Act, arts. 5-6).

28. In addition, the Act stipulates that premises or houses that have been used for purposes of prostitution shall be closed and the furniture therein confiscated. Other penalties include fines and imprisonment for not less than one year (Anti-Prostitution Act, arts 8, 9 and 11).

29. Lastly, the law provides for the possibility of the expulsion of offenders from the country or the closing of premises that have been used for purposes of incitement to fornication (Penal Code, art. 516).

D. Child pornography

30. Under Syrian law, the production, exporting or importing of pornographic materials is an offence punishable by law. The Penal Code provides that every person who produces, exports, imports or purchases pornographic books, illustrations, drawings, photographs, films or other materials for purposes of sale, distribution or public display, or who provides information on how they may be obtained, is liable to a term of imprisonment of three months to three years.

31. While there is no explicit reference in the Code to the use of children in particular, more severe penalties are imposed when children are employed in this business, or when the offender is a member of the child's family or a caregiver. (Penal Code, art. 519)

32. Under the Publications Act (law No. 50 of 2001), every person who deals in materials that are injurious to public morals and decency, including illustrations, printed matter, books and films, is liable to severe penalties (art. 50).

Directives for the regulation of Internet cafés:

33. The Ministry of Local Administration has issued a decree (Decree No. 472/N, 22 June 2004) regulating the operation of Internet cafés, with particular emphasis on the importance of ensuring sanitary conditions and safety conditions in them, and the fact that it is essential to take all necessary measures to prevent access to pornographic Internet sites, especially in the case of children under the age of 18.

34. Internet service providers in the SAR (the Syrian Computer Services Association and the Public Communications Institution) mask most pornographic sites.

E. Transfer of children's organs

35. The conditions under which children's organs may be transferred are set forth in Legislative Decree No. 30 of 9 November 2003, as follows:

36. Organs may be transferred from a donor who is a minor only where the recipient and the donor are twin siblings, and subject to the consent of the parents, where both are available, or one of them otherwise, or the legal guardian. No donor may give up any of his organs or part thereof for a material consideration or for purposes of profit. Every donor has the right to be treated in State hospitals and at State expense (Legislative Decree No 30 of 2003, art. 2, paras. 4-6).

37. Under the Decree, every person who traffics in human organs for transplanting is liable to a term of hard labour and a fine of up to 100 000 Syrian pounds (approximately US\$ 2 000) (Legislative Decree No. 30 of 2003, art. 7).

F. Engagement of children in forced labour

38. On 30 December 2004, the Ministry of Social Affairs and Labour issued its Decree No. 1736, which defines a juvenile as any male or female individual who has not reached 18 years of age, and prohibits the employment of juveniles under 15 years of age in any kind of work whatever. It is lawful to employ juveniles under 18 years of age in productive work.

39. The workday for juveniles is set at six hours, with an hour for food and rest within that period, not to be counted as part of the workday. Juveniles may not work for more than four hours consecutively, and may not be required to work overtime. Juveniles may not be employed on evening shifts between 10 p.m. and 7 a.m., nor may they be required to work on weekly rest days, official holidays or religious feast days.

40. The Decree also stipulates that juveniles must undergo a medical examination at the beginning of their employment to make sure that they are fit for the work, and another examination every year until they reach the age of 18. Furthermore, juveniles may not be required to work with hazardous tools or equipment (fork-lift tractors used for electrical work, and the like), and before being employed in any kind of work, every juvenile must take a training course appropriate to the type of work for which he is to be employed. Lastly, under the Decree, juveniles may not be required to perform very physically demanding work or work that may have adverse consequences for their future health.

41. The law of the SAR provides for severe penalties in the area of the protection of children and persons who are incapable of looking after themselves. Under the Penal Code, for example, every person who abandons or neglects a child under seven years of age or any other person who is incapable, by reason of his physical or mental condition, of looking after himself, is liable to a term of imprisonment of three months to one year. Where a child or incompetent person is neglected or abandoned in an uninhabited region, the penalty is a term of imprisonment of one to three years (Penal Code, art. 484).

42. The Code also provides that where the offender is an ascendant of the child or incompetent person or a person entrusted with his care, supervision, treatment or education, he shall be liable to a heavier penalty in accordance with the terms of article 247 (Penal Code, art. 484).

IV. RESERVATIONS TO THE PROTOCOL ON THE PART OF THE SYRIAN ARAB REPUBLIC

43. The SAR has expressed reservations to article 3, paragraph 5 and article 3, paragraph 1, subparagraph (a) (ii), dealing with adoption.

44. The laws of the SAR take the best interest of the child into account in the matter of entrusting a foundling or orphan to a person who will look after him or her, and make it clear that this is lawful by a decision of the Minister of Social Affairs and Labour. As a rule, however, a foundling is placed with a family or a woman who volunteers to have it, provided the family or woman concerned is able to care for, bring up, look after, educate and support the foundling in question, and where the placement is in the child's interest (Care of Foundlings Act (law No. 107 of 1970), art. 10).

45. On 4 April 2005 the Syrian Commission for Family Affairs (SCFA) joined forces with UNICEF to organize a workshop on the SAR's reservations to the Convention on the Rights of the Child, one of which related to article 20, on adoption.

46. The workshop was attended by religious leaders, both Muslim and Christian, researchers, members of the People's Assembly and legal experts, and its purpose was to re-examine those reservations.

47. The Commission is currently preparing further seminars in the same context and presenting proposals for the withdrawal of as many of those reservations as possible through the legislative authority.

48. The SAR wishes to emphasize that its ratification of the Protocol will not mean under any circumstances that it recognizes the State of Israel or that it will enter into any agreements or dealings with the State of Israel that may be referred to in the Protocol.

49. Furthermore, the SAR expresses its profound apprehension about the situation of Syrian children who are under Israeli occupation in the occupied Syrian Golan Heights, especially in view of the fact that the crimes of trafficking in children, child prostitution and child pornography are widespread in that State.

V. AGENCIES RESPONSIBLE FOR IMPLEMENTING THE PROTOCOL

50. A number of agencies are cooperating for purposes of the implementation of the Protocol, including:

1. Ministry of Justice;
2. Ministry of the Interior;

3. Ministry of Information;
4. Ministry of Foreign Affairs;
5. Ministry of Education;
6. Ministry of Social Affairs and Labour;
7. Syrian Commission for Family Affairs;
8. State Planning Authority;
9. Central Bureau of Statistics;
10. Community organizations;
11. Civil society associations.

VI. PUBLICATION OF THE PROTOCOL

51. After the SAR had ratified the Protocol, it published its contents in official newspapers and made them public through other media. All agencies concerned with its implementation were notified of the necessary action and measures that should be taken for optimal application of the Protocol.

52. The Ministry of Information and SCFA have joined forces to broadcast a programme designed to familiarize audiences with the Protocol.

53. In March 2005, SCFA launched a national campaign in all governorates of the SAR to familiarize school children with the Convention on the Rights of the Child and the Protocol, and to teach them to express and defend their rights.

VII. TRAINING COURSES AND ACTION TO APPLY THE PROTOCOL

54. With a view to bringing domestic law into line with the provisions of the Protocol, a number of pieces of legislation have been enacted, including:

1. Legislative Decree No. 30, issued on 9 November 2003, regulating organ transfer and transplanting operations;
2. Legislative Decree No. 52, issued on 1 September 2003, raising the age at which precautionary measures are applicable to children from seven years to 10 years;
3. Decree No. 42, establishing the Syrian Commission for Family Affairs on 20 December 2003 and defining its functions, as follows:
 - (a) To protect the family, strengthen its cohesiveness and safeguard its identity and values;

- (b) To enhance the various aspects of families' standards of living;
- (c) To strengthen the role of the family in the development process by enhancing its interaction with national institutions and agencies, both official and unofficial, that are concerned with the family;
- (d) To cooperate with Arab and international organizations that are concerned with family issues, with a view to serving the aims of the Commission;
- (e) To propose amendments to legislation relating to family affairs;
- (f) The Decree also made provision for a separate allocation for the Commission in the general State budget.

4. Ministry of Social Affairs and Labour Decree No. 1736, issued on 30 December 2004, prohibiting the employment of children under 15 years of age and identifying the kinds of physically undemanding work in which juveniles between the ages of 15 and 18 may be employed (This decree will be discussed below);

5. The National Conference on Children was held in the city of Aleppo on 8 and 9 February 2004, under the distinguished patronage of Asmaa al-Assad, the wife of the President of the Republic. The main themes discussed at the Conference were violence against children, the sexual exploitation of children, child labour and juvenile delinquency;

Numerous studies and scientific papers dealing with these subjects were presented at the Conference, which was attended by Syrian, other Arab and foreign experts;

The Conference adopted many recommendations relating to the effort to combat all forms of exploitation of children and the need to ensure that the best interests of children are observed in plans and projects adopted by the State (see annex 1);

6. A symposium on protecting children from violence and exploitation was held in Damascus from 9-11 December 2004. It was attended by Syrian, other Arab and foreign experts in the field of child abuse. The workshop was a cooperative venture involving SCFA, UNICEF, and Rainbow for a Better Childhood (a community organization);

ISPCAN, the International Society for the Prevention of Child Abuse and Neglect, was another cooperating organization, and the symposium was attended by a representative from the World Health Organization and Dr. Ben Saunders, Director of the Family and Child Program of the National Crime Victims Research and Treatment Center in the State of South Carolina, United States of America;

The symposium adopted a proposal for a draft national plan to protect children from all forms of violence and exploitation (see annex 2);

7. The Ministry of Social Affairs and Labour joined forces with UNICEF to organize a training course entitled "The protection of children from torture and

mistreatment: communicating the complaints of battered children.” The course began on 29 September 2004 and continued for four days. It was attended by representatives from all the governorates of the SAR, representing various groups involved in dealing with children (forensic physicians, judges, police officers, social specialists, and community associations working in the field of children’s welfare). The purpose of the course was to enable the participants to enable them to develop an agreed definition of violence against children in all its forms, diagnose situations of aggression against children, and deal with those situations, and it also considered optimal mechanisms for communicating the complaints of battered children;

8. In 2003 and 2004, the Ministry of Justice, in cooperation with UNICEF, organized training courses for juvenile court judges with a view to familiarizing them with conventions on the rights of the child and training them to deal with juvenile delinquents in accordance with those conventions and the protocols thereto;

9. The Ministry of the Interior, in cooperation with UNICEF, organized training courses for police officers in a number of the SAR’s governorates, under the title “Policemen and their role in protecting young people.” The purpose of the course was to enhance police officers’ awareness of the Convention on the Rights of the Child;

10. The Ministry of Information, in cooperation with UNICEF, has been sponsoring a yearly “child victims” award since 2003. The award is extensively covered in the print media, both official and private, and the audio-visual media now cover it as well;

11. The Ministry of Information, in cooperation with UNICEF, has prepared a plan to offer training courses in a number of the governorates of the SAR with a view to disseminating awareness of the Protocol among media personnel and artists;

12. In the summer of 2004, the Ministry of Information, in cooperation with UNICEF, trained a team of media personnel in methods of promoting the provisions of the Convention on the Rights of the Child and incorporating them into their programming;

13. SCFA, in cooperation with the Physicians’ Association and the Syrian Forensic Physicians Guild, has prepared a plan to hold training courses for forensic physicians and doctors specializing in first aid and emergency cases, with a view to enabling them to diagnose cases of violence against children, especially sexual violence, and how to deal with children who have been victims of violence;

14. On 4 April 2005, SCFA, in cooperation with UNICEF, held a workshop aimed at discussing Syria’s reservations to the Convention on the Rights of the child, including its reservations to the Protocol. The workshop was attended by judges, legal experts, religious leaders, representatives from the People’s Assembly and representatives from civil society organizations;

15. The Ministry of Education has included the subject of AIDS and AIDS prevention in its school health training programmes at the basic and secondary levels;

16. Training courses for school health physicians have been organized as a cooperative project involving the Ministry of Education and the Ministry of Health. The object of the courses is to propagate a healthy culture and heighten awareness of AIDS and other sexually transmitted diseases;

17. A teachers' guide on the subject of AIDS has been prepared as a cooperative project involving the Minister of Education, the National Programme to Combat AIDS and the World Health Organization;

18. SCFA is studying the feasibility of organizing a workshop for judges, legal experts, religious leaders, representatives from the People's Assembly, a representative from the Syrian Computer Services Association (the country's leading Internet service provider) and representatives from civil society associations working in the field of child protection, for the purpose of drafting a special law on the protection of children. The law would incorporate the contents of the Protocol in detail, including in particular the issues of traffic in and the sale of children, the exploitation of children for pornographic purposes, and Internet crime, in order to bring the SAR's domestic legislation in that area into line with the provisions of the Convention on the Rights of the Child and the Protocol. The draft law would be submitted to the Government of the SAR for debate and adoption in due course;

19. SCFA has submitted a draft national plan for the protection of children from violence in all its forms and a national plan for the protection of women from violence. These draft plans were prepared in cooperation with various organizations, including both governmental agencies and civil society associations. The aim of this initiative is to secure separate budgets for the implementation of these plans as quickly as possible;

20. SCFA has established national committees for the protection of children and women from violence and exploitation in all their forms. These committees comprise representatives from Government agencies and community associations, and their aim is to enlist civil society as an active participant in the task of protecting children and women from violence in all its forms;

21. In March 2005, SCFA launched a campaign aimed at familiarizing Syrian school children with the Convention on the Rights of the Child, with a view to heightening children's awareness of their rights and teaching them to defend those rights. The campaign, which was conducted in all governorates of the country, featured dialogue with children and efforts to help them express their understanding of their rights through drawings;

22. On 10-11 February 2005, the Syrian Arab Association of Psychiatrists held a training course for psychiatrists on the subject of violence against children. The object of the course was to explain the importance of the role played by psychiatrists in treating children who have been subjected to violence and aggression and in helping them to become reintegrated into society;

23. SCFA is currently studying the possibility of conducting a rigorous national survey to determine the extent of the issues of the sexual exploitation of children and child labour;

24. On 10 May 2005, the Rainbow for a Better Childhood organization joined forces with UNICEF to establish a national team for the protection of children from sexual exploitation.

VIII. MECHANISMS AND MEASURES USED FOR PERIODIC EVALUATION OF THE IMPLEMENTATION OF THE PROTOCOL, AND MAIN CHALLENGES ENCOUNTERED

55. With a view to the optimal implementation of the Protocol, the SAR is undertaking the following actions:

1. All agencies concerned with implementation of the Protocol are asked to submit yearly reports on progress achieved in their respective fields of competence with respect to the Protocol;

2. When SCFA was established on 20 December 2003, it was entrusted, under its founding Decree, with responsibility for providing coordination among the various governmental and non-governmental bodies in all matters relating to family affairs;

3. A National Conference on Children is held periodically to discuss the situation of children in the SAR. The first Conference was held on 8-9 February 2004;

4. Cooperation with civil society institutions to hold workshops on the protection of children, for the purpose of discussing progress achieved in that area. One such workshop was held from 9-11 December 2004 as a cooperative initiative involving Rainbow for a Better Childhood (a community organization), the Syrian Arab Association of Psychiatrists, SCFA, UNICEF and ISPCAN (the International Society for the Prevention of Child Abuse and Neglect);

5. A number of specialized workshops have been organized as cooperative initiatives involving SCFA and other concerned parties to discuss issues relating to the Protocol and the Convention on the Rights of the Child (legal workshops to discuss the SAR's reservations and prepare draft legislation on child protection, workshops with media personnel and teachers to discuss the best ways of heightening the awareness of society in general, and children in particular, of the provisions of the Convention, including those of the Protocol.

56. This process has encountered a number of difficulties that should be mentioned here:

1. The fact that there is no single body providing coordination among the various parties, the comprehensive nature of activities relating to the rights of the child, and the absence of focus on clearly defined subjects. This situation has improved to some extent since the establishment of SCFA;

2. The fact that there are no specialized budget allocations for child protection and the implementation of the Convention and the Protocols appended to it. It is hoped that this situation will be rectified in the tenth five-year plan (2006-2010), especially now that SCFA, under its founding Decree, has its own budget, and an independent budget has been allocated for the national plan to protect children and women from violence;

3. The absence of integrated national data collection and analysis systems, and the weakness of observation and follow-up mechanisms for cases of battered children;

4. The weakness of national expertise, and the fact that the country lacks the practical and theoretical expertise and adequate resources to deal with the crimes referred to in the Protocol.

IX. IMPLEMENTATION OF THE PROTOCOL IN STEP WITH THE IMPLEMENTATION OF THE PRINCIPLES OF THE CONVENTION ON THE RIGHTS OF THE CHILD, INCLUDING IN PARTICULAR ARTICLES 1, 11, 21, 32, 33, 34, 35 AND 36

57. The SAR is endeavouring to implement the terms of the Protocol within a general framework that includes the implementation of the principles of the Convention on the Rights of the Child.

58. As regards the articles referred to above:

Article 1 of the Convention:

Under all the laws of the SAR, a child is any person who has not reached the age of 18 years. (Juvenile Delinquents Act, art. 1)

Article 11:

See section III, subsection (a) of this report.

Article 21, on the adoption of children:

The SAR has entered a reservation to this article of the Convention, but a study of all its reservations is being conducted. As noted earlier, on 4 April 2005, SCFA joined

forces with UNICEF to organize a workshop which was attended by judges, legal experts, religious leaders and members of the People's Assembly, for the purpose of discussing the SAR's reservations to the Convention.

Article 32, on the economic exploitation of children and child labour:

See section III, subsection (f) of this report.

Article 33, on the protection of children from the illicit use of narcotic drugs and psychotropic substances and the prevention of the use of children in the illicit production and trafficking of such substances.

59. Under Syrian law, severe penalties, extending up to the death penalty, are applicable to every person who:

1. Smuggles narcotic substances;
2. Fabricates narcotic substances, except in the cases permitted under this Act;
3. Cultivates plants listed in Schedule No. 4, except in the cases permitted under this Act, smuggles them at any stage in their growth, or smuggles their seeds.

60. Where it appears that there are mitigating circumstances in the case, the court may commute the death penalty to life imprisonment or imprisonment for a term of not less than 20 years, a fine of 1 000 000 to 5 000 000 Syrian pounds, or both.

61. There can be no mitigating circumstances where a minor has been used to commit one of the offences listed in this article. (Narcotic Drugs Act, art. 39)

62. The Act also provides that every person who deals in narcotic substances or facilitates dealing in them without remuneration, except in the cases permitted under the Act, shall be liable to imprisonment for a term of not less than 10 years and to a fine of 500 000 to 2 000 000 Syrian pounds.

63. Where the offender offers narcotics to a minor, or induces a minor to take narcotics by means of any form of compulsion, deception, inducement or enticement, the penalty shall be life imprisonment and a fine as provided in the preceding paragraph (Narcotic Drugs Act, art. 42).

64. We may note here that the death penalty for an offence under the Narcotic Drugs Act has never actually been applied in the SAR; the severe penalties provided for in the Act are intended to serve as a deterrent to trafficking, growing or producing narcotic substances.

Article 34, on the sexual exploitation of children.

See section III, subsections (b) and (c), of this report.

Article 35, on preventing the abduction or sale of or traffic children.

See section III, subsection (a) of this report.

Article 36, on protecting children from all forms of exploitation prejudicial to any aspects of the child's welfare.

See sections III and X of this report.

X. THE REPORT PREPARATION PROCESS (PARTICIPATING ORGANIZATIONS)

65. The participation of many governmental institutions and non-governmental organizations was enlisted for the purpose of preparing this report. SCFA established a national committee comprising representatives from Government agencies and non-governmental organizations and also a number of specialists and concerned persons to prepare the report. As a first step, SCFA wrote to all Government agencies and non-governmental organizations to obtain basic data that it would be necessary to include in the report. Cooperation with UNICEF was part of the process: the delegate from UNICEF's office in the SAR explained how the national report should be prepared in accordance with the model used at that international organization. Once an initial draft had been prepared, a number of meetings were held with specialists, legal experts and concerned persons from governmental and non-governmental organizations for the purpose of discussing the report and proposing amendments. The next step was to hold a national workshop, attended by all stakeholders, to approve the contents of the report as finally formulated. Annex 3 contains a list of organizations that provided SCFA with data and information, and a list of the organizations that sent representatives to attend the meetings and the national workshop. SCFA will distribute the report to all the Government agencies and NGOs involved to enable them to make use of it in their planning relating to children's issues.

XI. ACHIEVEMENTS IN THE AREA OF THE APPLICATION OF THE PROTOCOL

66. As follows:

1. SCFA has submitted a draft national plan for the protection of children from violence in all its forms and a national plan for the protection of women from violence. These draft plans were prepared in cooperation with various organizations, including both governmental agencies and civil society associations. The aim of this initiative is to secure separate budgets for the implementation of these plans as quickly as possible;
2. SCFA has established national committees for the protection of children and women from violence and exploitation in all their forms. These committees comprise representatives from Government agencies and community associations, and their aim is to enlist civil society as an active participant in all issues of relevance for children and women;

3. On 10 May 2005, the Rainbow for a Better Childhood organization joined forces with UNICEF to establish a national team for the protection of children from sexual exploitation;

4. A study has been conducted on the sexual exploitation of children in the city of Damascus, the capital of the SAR, and another study has been conducted on sexual aggression against children in the city of Aleppo. The aim of both these studies is to determine how widespread the crime of the sexual exploitation of children really is;

A study on the phenomenon of juvenile delinquency has been conducted in the Juvenile Section of the Central Prison in Aleppo and the Supervisory Centre for Women Offenders in Aleppo;

Another study on the same subject has been conducted at two institutes in Damascus, the Khalid ibn al-Walid Institute for boys and the Social Education Institute for girls;

The aim of this research is to identify the causes that lead these young people to delinquency and to suggest optimal approaches to the task of combating and eliminating this phenomenon;

5. The Ministry of Social Affairs and Labour, in cooperation with a number of community organizations (including the Pious Monk Association, the Association for the Welfare of Detainees and their Families, in Aleppo, and the Young People's Welfare Association, also in Aleppo), has opened two centres for the protection of children and women at risk of exploitation and violence;

In addition, Supervisory Centres for Women Offenders and Juvenile Institutes have been rehabilitated in various governorates. The work has been done under a cooperative initiative involving Government bodies such as the Ministry of Social Affairs and SCFA on the one hand and a number of community associations such as Rainbow for a Better Childhood and the Association for the Welfare of Detainees and their Families on the other;

6. On 28 March 2005, SCFA announced a story-writing competition for children on the theme "Resisting violence against children", with valuable prizes for the winners;

7. Late in March 2005, SCFA launched a campaign to promote a culture of peace and non-violence among children and others, in the framework of a UNICEF initiative aimed at supporting the International Decade for a Culture of Peace and Non-violence for the Children of the World, with the participation of 70 children, both boys and girls;

8. In March 2005, SCFA launched a campaign to familiarize school children with the Convention on the Rights of the Child. The aim of the campaign was to make children aware of their rights and to teach them to defend those rights;

In this activity, SCFA relied on visits to schools in all governorates of the country, dialogue with children, and efforts to help them express their understanding of their rights through drawings.

9. In the area of protecting juveniles from exploitation and providing more satisfactory conditions for their reintegration into society, the Ministry of Social Affairs and Labour has undertaken a number of actions, including:

- (i) Increasing the budgetary allocations for institutes and centres for juvenile delinquents by 40 per cent by 2015;
- (ii) Increasing yearly assistance allocations to young persons' welfare associations by 40 per cent by 2015;
- (iii) Establishment of three reform institutes for juvenile delinquents, one in Homs, to be opened by 2009, and two more, in Deir ez Zor and the hinterland of Damascus, to be opened by 2015;
- (iv) Establishment of three supervisory centres for women offenders in Deir ez Zor, Deraa and As-Suweida, to be opened by 2009, and four more, in Al-Raqqa, Tartous, al-Hasaka and Hama, to be opened by 2015;
- (v) Establishment of three centres to provide follow-up services for juvenile delinquents and to receive complaints from children under the tenth five-year plan, 2006-2010;
- (vi) Establishment of two family guidance and counselling centres under the tenth five-year plan, 2006-2010;
- (vii) Establishment of two model centres for the care of abandoned children in Damascus and Aleppo under the tenth five-year plan, 2006-2010;
- (viii) Establishment of a drop-in centre for children who have been victims of crimes under the tenth five-year plan, 2006-2010;
- (ix) Establishment of two institutes for the care of homeless children, child beggars and street children under the tenth five-year plan, 2006-2010;
- (x) The Ministry of Social Affairs and Labour has licensed a number of community associations working in the field of child protection and development. These associations include:
 - The Syrian Child Development Association (17 October 2004);
 - The Al-Salam Association for Child Welfare in the City of Homs (10 August 2004).

10. SCFA is currently studying the feasibility of cooperation with the Judicial Institute, which was founded in 2002 to train judges specializing in dealing with children's issues.

11. The Public Commission to Combat Unemployment was founded in 2002 for the purpose of funding and implementing a number of income-generating productive and service-related activities, giving priority to projects that create job opportunities or are located in rural and desert regions. The Commission is empowered to make additional resources available for projects aimed at promoting traditional craft industries in rural areas and projects aimed at women and young people. The purpose of this initiative is to eliminate unemployment and poverty. Programme activities include:

- Small productive agricultural and industrial projects;
- Craft and mechanized industries, especially traditional industries in rural areas;
- Environmentally friendly projects;
- Training and skills development projects, especially in the fields of new technologies and information and communication technologies;
- Projects aimed specifically at women and young persons.

Thousands of unemployment loans with easy terms have already been made available, many of them to unemployed young persons, for the purpose of mitigating the phenomenon of unemployment, with the serious adverse social effects that it entails, especially with respect to the situation of children.

12. The Fund for Integrated Rural Development in Syria (FIRDOS) was launched in July 2001. FIRDOS is a non-profit organization established in July 2001 under the distinguished patronage of Ms. Asmaa al-Assad, the wife of the President of the Republic. Its aim is to support comprehensive socio-economic development and community development in rural areas of the SAR, with particular focus on consciousness-raising and the empowerment of rural women. FIRDOS is based on the principle of self-reliance, and accordingly has adopted an interactive strategy of helping people to help themselves. The essence of its development philosophy may be formulated as "improving individual performance through mechanisms and strategies hammered out by the target groups themselves". FIRDOS has a clear vision featuring action to strengthen and promote the capacities of individuals and small communities, with special emphasis on preserving the socio-cultural identity and heritage of the communities in question.

67. FIRDOS' action in its three areas of emphasis (development of investment, socio-cultural development and environmental development) are consistent with the United Nations' Millennium Development Goals. FIRDOS does indeed strive to "eradicate extreme poverty and

hunger” and “develop a global partnership for development”. Its education and training programmes are directed toward the attainment of Goal 2, “Achieve universal primary education”. These programmes are closely bound up with individual funding projects designed to “promote gender equality and empower women” in the SAR. At the same time, they are helping growing numbers of health centres to attain the three remaining goals: “Reduce child mortality,” “Improve maternal health” and “Ensure environmental sustainability”.

68. In order to ensure the sustainability of the development operation, FIRDOS has adopted a number of general strategies, of which the main ones are summarized below.

- Supervision of development activities by highly trained and organized teams as a means to the identification and development of village people’s skills, with particular focus on management;
- Participation by recipients in the design and implementation of every programme, with technical support provided by the FIRDOS team;
- Modernization of local technology as a result of developmental activity;
- Continuing research to maintain institutional dynamism in confronting targeted problems;
- Integration of cultural, economic and spiritual aspects in the development process in the communities concerned.

69. FIRDOS works closely with government agencies and non-governmental organizations (including community groups, commercial firms, international donors and the like) to attain its fundamental objectives of improving life in rural communities and contributing to and implementing infrastructure projects in cooperation with local people with a view to more satisfactory service delivery. In addition, FIRDOS provides support for outstanding students at the general secondary level in rural areas, and it establishes small business projects designed to provide jobs for local people.

70. Its basic methodology features intervention at two levels:

- Providing the necessary support for the integration of rural development into the national economy and institutional development efforts;
- Executing pioneering projects in selected villages.

71. In its efforts to achieve sustainable results, FIRDOS has adopted a number of concepts, of which the most important are the following:

- Participation by the residents of the selected villages in diagnosing problems that are impeding sound economic performance, working out possible solutions and developing appropriate programmes;

- Building partnerships between various stakeholders in the development process, including governmental institutions, local councils, NGOs, other similar programmes and international bodies;
- Initiation of a flexible development process based on continuous evaluation;
- Emphasis on the transfer of knowledge to village communities as a means of helping them advance the development process relying on themselves and their own resources;
- The use of locally available resources, in so far as possible, in FIRDOS' three areas of emphasis.

72. FIRDOS' action is directed at two levels:

1. Governorate level:

Support sector: is made up of representatives of various service sectors (health, education, agriculture, women and children) and works to support the community's own efforts;

Coordinator: the person who is responsible for monitoring the work of villages in the governorate, and also cooperates with the support sector in executing development activities.

2. Village level:

Development committee: is made up of a chairman and members representing the groups comprising the support sector team, and works to expedite service delivery and upgrade living standards in accordance with the views of the village itself (community management);

Chairman of the development committee: the person who heads the development committee and is elected by the people of the village. He coordinates with the chairman of the village committee within the governorate.

73. Some of the main programmes launched by FIRDOS are outlined below.

74. **Fundamental development needs programme:** this programme is aimed at more effective development methods in rural areas of the SAR. It has discarded traditional social working methods in favour of the idea of participatory decision-making and project execution, relying on the FIRDOS holistic approach embracing the socio-economic and cultural needs of families and entire villages. The programme seeks to generate initiatives and creativeness at a practical level by helping people to set their priorities and hone their skills and capacities to serve their communities more effectively. Small loans are made available to village people to help them establish small business ventures or develop existing ones. FIRDOS asks its

coordinators in every governorate to nominate a number of villages for inclusion in the programme, taking a number of criteria into consideration. Five fundamental principles on which this mechanism relies are:

- Borrower motivated to increase his or her capacity to repay the loan;
- Consent of the village development committee to funding for the projects concerned;
- Loans to be short-term and repayment to be by small instalments, depending on the commitment in any given case;
- The borrower to be given a period of grace before beginning to make repayment;
- The initiative to be made equally accessible to individuals through interest-free loans.

75. More than 155,000 people in 98 rural Syrian villages have benefited from development projects of this kind. Loans totalling LS 120 million have been made available to 3,153 families, and the repayment rate has been 100 per cent. In 2002, basic development projects to the value of LS 522 million were implemented.

76. **Travelling data centres:** The fundamental objective here is to provide training in information and communication technologies. Two of these centres have been launched to date, at a cost of LS 5 million each, and a third is to be launched shortly. Each centre possesses a number of computers connected to a network and is equipped with the latest educational software, and each of them has its own generator to supply electricity. It is possible to connect to the Internet from any location that has telephone service. The centre, which is staffed by a full-time teacher, makes its services available to a number of villages (approximately 20, as a rule). The centre visits two or three villages every day for two hours at a time. This means that it can visit 18 villages every week, serving some 200 people. These travelling centres have proved highly popular among village people, who had formerly had no option but to travel to a city and pay city prices to obtain the information they wanted, whereas the three-week (18-hour) training courses offered by a travelling centre cost only LS 150.

77. **Travelling library programme:** The mobile library, which is the first of its kind in the SAR, is one of a variety of programmes organized by FIRDOS in an effort to upgrade educational levels in rural areas. The first travelling library was launched in July 2003 with a view to encouraging the reading habit among rural people. It consists of a converted bus, and it lends books to village residents. FIRDOS has recently signed an agreement with the Japanese Government on funding for a second travelling library to serve people who live in the villages of Quneitra Governorate.

78. As a rule, the travelling library is accompanied by a team of young actors who perform scenes from children's books. FIRDOS expects this programme to have a substantial impact on intellectual life in village communities.

79. **Travelling dental clinic in Quneitra:** This is a component of a FIRDOS programme aimed at meeting the basic development needs of residents of rural areas in the SAR.

The programme is run in cooperation with local people. There are plans to establish more health centres and re-equip existing ones. The clinic serves six villages with a total of 7,250 inhabitants.

80. The clinic, which was equipped in cooperation with a private-sector firm, is expected to promote better health habits in rural areas, lower the cost of treatment and increase people's awareness of the importance of dental health, which a recent study has described as one of the most urgent problems facing village communities.

81. **School development project:** This is part of a FIRDOS youth programme. It began on 25 June 2003 and ran for three months. In order to identify the communities that needed it most, FIRDOS prepared a questionnaire focusing on safety standards at every school, and also on the environment, services and free-time facilities. In addition, the study sought to determine the anticipated degree of cooperation from the communities concerned, and their self-organization and task management capacities. Once the communities most in need of the project had been identified, FIRDOS conducted field visits as part of the final project evaluation process. Subsequently, FIRDOS provided the villages in question with expertise and partial funding to improve the infrastructure of their schools, while the village residents contributed their time, effort and money to complete the project. The list of project donors includes a number of private-sector firms as well as the Ministry of Education, individuals from the community and the local authorities.

82. Nine schools have participated in this project. Village people and persons from governmental institutions worked together during the summer to pave courtyards, replace windows, renovate lavatories, build playing fields and paint the school's buildings and furniture. When the students returned for the new school year, they found their schools transformed.

83. **Honouring outstanding students:** FIRDOS offers scholarships to some outstanding students at the general secondary level with a view to helping them go on to university.

1. In 2004, as a means of promoting computer literacy in rural areas and enabling the people who live there to have access to the Internet and modern means of communication and to use them effectively in all areas of life, the Ministry of Communications and Technology joined forces with the United Nations Development Programme (UNDP) to open the "Rural Knowledge Network" (ReefNet) in three villages. ReefNet is part of the "knowledge society initiative" defined in the Syrian Information and Communication Technology Strategy. It is one of an number of telecentres that are being progressively established in all governorates in the country with a view to providing an array of services in the field of computer literacy.

ReefNet's objectives include:

- Extending and promoting ICT use in all strata of society, especially among people who live in remote rural areas;

- Building an enabling environment for the use of these technologies for socio-economic development purposes;
- Creating new jobs in the field of information and communications;
- Training, education and support for all social groups, especially persons living in poverty, and encouragement for rural women to acquire and practise computer skills;
- Enhancing computer-readiness in rural areas by expanding the popularity of Internet connectivity;
- Training and skills development for Internet service providers;
- Establishment of a local community portal, www.reefnet.gov.sy;
- Broadening the horizons of ICT users and encouraging them to use the Internet in all areas of social, economic and cultural life;
- Promoting computer literacy;
- Providing Internet connectivity as a window on the outside world;
- Providing all ICT-related services, including laser colour printers, scanners, fax machines, photocopying equipment, telephones and the like;
- Providing basic training courses, including courses in the use of computers and English language courses;
- Providing advanced training courses in computer application programmes and systems.

2. In the area of preventing children from being used for forced labour, a number of actions have been taken, including:

- (i) Eighty additional inspectors are to be appointed in the industrial, agricultural and trade sectors by 2009, and an additional 80 by 2015;
- (ii) Inspection operations are to be strengthened by the provision of additional equipment: every computer district will receive, on average, two additional cars and three additional computers;
- (iii) A competition has been held for the purpose of appointing 50 persons from among holders of degrees in law and economics, and a number of them will subsequently be selected to bolster labour inspection offices.

3. In 2003, the Ministry of Education joined forces with UNICEF to conduct a study in the northern and eastern governorates of the SAR on the reasons why girls tend to drop out of school. The study was a preliminary measure for the preparation of a national plan to combat the dropout phenomenon, which results in children's entering the job market, where they are at risk of various forms of exploitation.

XII. DIFFICULTIES ENCOUNTERED IN THE APPLICATION OF THE PROTOCOL

84. As follows:

1. The dominant social heritage, which attempts to conceal crimes that are sexual in nature, especially within a family setting, out of fear of dishonour and in order to preserve the reputation of the other family members.

2. Poor coordination among agencies and individuals concerned with the issue of the sexual exploitation of children.

3. A critical lack of information about these crimes, especially crimes relating to child prostitution, and a total absence of effective data collection systems.

4. As we have seen in section III of this report, Syrian law guarantees young persons most of the rights set forth in the Protocol. The fact remains that there are many gaps and shortcomings, and the State is seeking to address these in a context of protecting young persons through the courts. Some actions to date in this connection are outlined below.

- (i) As the SAR still has no corps of police specializing in juvenile offenders - despite the fact that legislation instituting just such a corps has been enacted - some children are still at risk of mistreatment at times, or are required to work like adults in detention centres or, in some cases, penitentiaries. The national plan for the protection of children from violence that has been prepared by SCFA contains a proposal for the formation of a corps of police specializing in children's issues. The members of the corps would be subject to a rigorous selection process and would be required to take training courses on dealing with children;
- (ii) Owing to the fact that there are no judges specializing in juvenile cases, children are not dealt with in optimal fashion in court. Since the establishment of the Judicial Institute, SCFA, in cooperation with the Ministry of Justice, has been studying a plan for training a number of judges to deal with distinctive aspects of cases involving children that come before them, including both juvenile victims and juvenile offenders, especially as regards cases of sexual offences;

- (iii) Physicians in general, and forensic physicians in particular, are lacking in the expertise required to deal in optimal fashion with cases of the sexual exploitation of children, in terms of diagnosis, how to approach child victims, and treatment mechanisms for children suffering from what is known as post-traumatic stress disorder and other adverse impacts of sexual aggression. Accordingly, SCFA, in cooperation with the Physicians' Association and the Syrian Forensic Physicians Guild, has prepared a plan to hold training courses for forensic physicians and doctors specializing in first aid and emergency cases, with a view to enabling them to diagnose cases of violence against children, especially sexual violence, and how to deal with children who have been victims of violence;
- (iv) Owing to the fact that the SAR does not have adequate reform institutions that are properly equipped to receive children who have committed crimes, some juvenile offenders are detained in prisons for adults, or in special annexes to those prisons, and consequently are subject to the same conditions as adult detainees;

At the present time, two new institutions for the custody and reform of juveniles are being built. These institutions will have enough capacity to ensure that no juvenile offender will be detained in a prison for adults;
- (v) The SAR does not have a national strategy based on integrated approaches to employment, covering the aspects of observation, prevention, awareness-raising, care and follow-up, within individual economic sectors;
- (vi) The SAR does not possess specialized centres for the protection of child victims, where children can be treated for the effects of violence and reintegrated into society. This situation is the result of inadequate financial resources and domestic expertise in that area;
- (vii) The SAR possesses limited financial resources and domestic expertise in the area of the sexual exploitation of children, child prostitution, child pornography, and the treatment of child victims. As a result, many of those who have been subjected to sexual aggression are at risk of further aggression, or may themselves become sexual offenders in the future;
- (viii) The media have done very little to heighten awareness of the crimes referred to in the Protocol, especially with respect to child prostitution and child pornography;
- (ix) The SAR has not developed an integrated national plan to eliminate the phenomenon of homelessness and street children, with the result that these children are at risk of economic and sexual exploitation;

- (x) The effort to combat the school dropout phenomenon has not been pursued sufficiently vigorously - despite the fact that Syrian law makes provision for severe penalties, ranging up to prison sentences, for offending parents or guardians - with the result that children who drop out of school are at risk of various forms of economic and sexual exploitation;
- (xi) Syrian society is a young society: persons under 18 years of age account for nearly 50 per cent of the total population (there are approximately 9 000 000 children under the age of 18). This means that the State has heavy burdens to bear in terms of making adequate provision for the various aspects of child development;

Accordingly, the Government has embarked upon an ambitious plan to cooperate with civil society institutions in an serious effort to enlist their participation in the development process, especially as it affects children and women, by making the necessary facilities available to those institutions. This plan is proceeding under the personal patronage of Ms. Asmaa al-Assad, the wife of the President of the Republic;

- (xii) The unemployment rate is relatively high at 11 per cent, with 200 000 persons entering the job market every year. This situation is having negative impacts on the position of children;³
- (xiii) The job market is largely unregulated, and the laws designed to deter employers from using child labour are ineffectual, especially in rural areas. This situation encourages some businessmen to hire children, as they can pay them low wages and readily control them, and can avoid registering them for social insurance purposes, as Syrian law requires them to do. In addition, these children are at risk of being sexually victimized by older workers;
- (xiv) There are steadily increasing numbers of space stations broadcasting pornographic materials, and this has a markedly deleterious effect by contributing to the formation of a perverted sexual education, especially in the case of adolescents, in the absence of any scientific, properly developed sex education process. The only possible solution to this problem is international cooperation to prevent these stations from broadcasting without restraint and impose penalties on their owners, the companies that own the satellites, which allow the broadcasting of such programming without adequate controls.

XIII. BUDGET ALLOCATIONS EXPRESSLY FOR THE PURPOSE OF IMPLEMENTING THE PROTOCOL

85. Previous five-year plans have not included any budget allocations expressly for the purpose of implementing the contents of the Protocol. However, it has been feasible to use the budget allocations for a number of relevant Government agencies to implement the terms of the Protocol and those of the Convention on the Rights of the Child.

86. For example, in 2003, the Ministry of Education was allocated 16.5 per cent of the budget, amounting to LS 20 billion.

87. The allocation for social welfare (which was shared by the Ministry of Social Affairs and Labour and the Ministry of Health) represented 1.9 per cent of the general budget, amounting to LS 8 billion.

88. It should be noted in this connection that the total general State budget for 2003 was LS 420 billion.⁴

89. Funds from these allocations were used in an unsystematic fashion to implement some of the provisions of the Protocol and the Convention.

90. Unfortunately, no precise figures on these funds are available, as the SAR has acceded to the Protocol only recently (its official accession date was 15 May 2003), and, as we have seen, there were no budget allocations expressly for its implementation under previous five-year plans.

91. However, there is reason to hope that the tenth five-year plan (2006-2010) will include budget allocations expressly for the purpose of implementing the provisions of the Protocol and the Convention, especially in view of the fact that SCFA now has its own budget, and the national plans for the protection of children and women from violence are to have their own budgets as well.

92. Government agencies concerned with the implementation of the provisions of the Protocol have been asked to earmark funds from their respective budgets for that purpose.

XIV. LEGISLATION AND OTHER STATUTORY INSTRUMENTS RELATING TO THE IMPLEMENTATION OF THE PROTOCOL

93. Traffic in children, child prostitution and child pornography are prohibited.

XV. CRIMINAL LEGISLATION WITH A BEARING ON THE OFFENCES LISTED IN ARTICLE 3, PARAGRAPH 1: LEGISLATION AND OTHER STATUTORY INSTRUMENTS

94. As follows:

Civil Code

Article 50:

Nationality is inalienable, and its terms are unalterable.

Article 51:

Personal freedom is inalienable.

Article 52:

Anyone who is the victim of an unlawful violation of any of his personal rights is entitled to demand the cessation of such violation, together with compensation for the detriment suffered.

Article 53:

Anyone who is challenged by another person concerning the use of his forename or surname or both, without justification, and anyone whose forename or surname or both are wrongfully usurped by another person, is entitled to demand the cessation of such violation, together with compensation for the detriment suffered.

Civil Status Act

Article 34:

Every person who finds a newborn child shall turn the child over to the security authorities in cities and district capitals, or to the village mayor in rural areas, together with the clothes and other objects found on the child, specifying the time, place and circumstances in which the child was found. The security authorities, or the local mayor, as the case may be, shall then draw up a report specifying the child's apparent age and any distinguishing marks, and the child, together with the report, shall be turned over to one of the institutions or individuals used by the Ministry of Social Affairs and Labour. The institution or individual concerned shall prepare a birth certificate and forward it to the Civil Registrar for registration in accordance with the preceding provisions. The Civil Registrar shall assign a name to the child and/or its parents, such name or names to be selected by the Civil Registrar himself.

Article 60:

1. Corrections or amendments to civil status records may be made only on the basis of a judgement handed down by the Justice of the Peace for the district in which the original record is located.

2. A correction to a date of birth as duly recorded from a birth certificate drawn up and filed within the period stipulated in article 22 of this Code may be made only if an allegation of falsification is made and proved.

Penal Code

Article 478:

1. Anyone who abducts or conceals a child under seven years of age, replaces a child with another or affiliates a child to a woman other than the child's real mother shall be punished by imprisonment for a term of three months to three years.

2. The said term shall be not less than one year if the purpose or result of the offence was to destroy or falsify evidence concerning the child's parentage or to register spurious details concerning the child's parentage in official records.

Article 479:

Every person who takes a child who has been officially registered as a legitimate child or recognized illegitimate child and turns him or her over to a shelter for foundlings, concealing the child's identity, shall be liable to a term of imprisonment of two months to two years.

Article 480:

Except as provided in the preceding articles, every act aimed at eliminating or altering documentary evidence relating to the personal status of any individual shall be liable to imprisonment.

Article 481:

1. Every person who abducts or takes away a minor under 18 years of age, even with the latter's consent, with a view to removing him from the custody of his legal guardian shall be liable to imprisonment for a term of six months to three years and a fine of LS 100.

2. Where the minor is under 12 years of age or is abducted or taken away by deception or force, the penalty shall be a term of imprisonment at hard labour.

Article 491:

1. Every person who has sexual intercourse with a minor under 15 years of age shall be liable to a term of nine years' imprisonment at hard labour.

2. The said term shall be not less than 15 years if the child is under 12 years of age.

Article 492:

1. Every person who has sexual intercourse with a minor over 15 years but under 18 years of age and who is a legitimate or illegitimate ascendant of the minor or is related by marriage to an ascendant of the minor, or who is the minor's de jure or de facto guardian, or who is a servant of any of the said persons, shall be liable to a term of nine years' imprisonment at hard labour.

2. The same penalty shall apply where the offender is a civil servant, cleric, or the director or a staff member of an employment office and commits the offence by abuse of his authority or the facilities at his disposal by virtue of his office.

Article 493:

1. Every person who uses force or threats to compel a person to submit to or engage in an indecent act shall be liable to a term of not less than 12 years' imprisonment at hard labour.

2. The minimum term shall be 18 years if the victim is under 15 years of age.

Article 494:

A penalty of up to 15 years' imprisonment at hard labour shall be imposed upon every person who resorts to a means of deception or takes advantage of a physically or mentally handicapped person in order to commit an indecent act against that person or induce him or her to commit such an act.

Article 495:

1. Every person who commits an indecent act against a minor under 15 years of age or induces the minor to commit such an act shall be liable to a term of nine years' imprisonment at hard labour.

2. The said term shall be not less than 12 years if the child is under 12 years of age.

Article 496:

Every person who is one of the persons referred to in article 492 and who commits an indecent act against a minor between 15 and 18 years of age or who induces the minor to commit such an act shall be liable to a term of imprisonment of up to 15 years at hard labour.

Article 497:

Where the offender is one of the persons referred to in article 492, the penalties contemplated in articles 489-491 and 493-495 shall be increased as stated in article 247.

Article 498:

1. Every person who commits one of the offences listed below shall be liable to heavier penalties as stated in article 247:

Where the offence is committed by two or more persons who have joined forces to overcome the resistance of the victim or have assaulted him or her in succession;

Where the victim is infected with a venereal disease, any other disease, or any harm preventing him or her from pursuing his or her usual activities for a period of more than 10 days, or where the victim was a virgin and suffers the loss of her virginity.

2. Where the offence leads to the death of the victim, that outcome not having been the intent of the perpetrator, the penalty shall be not less than 15 years' imprisonment.

Article 499:

1. Every public employee who seeks to seduce the wife of an inmate or detainee or person subject to his authority, or any female relative of such a person, shall be liable to a term of imprisonment of nine months to three years.
2. Every public employee who seeks to seduce the wife or a female relative of a petitioner whose case has been entrusted to him or to his superiors for a decision shall be liable to the same penalty.
3. Where the offender actually seduces any of the women referred to above, the penalty shall be doubled.

Article 500:

1. Every person who abducts a girl or woman by deception or violence for the purpose of marriage shall be liable to a term of imprisonment of three to nine years.
2. The penalty shall also be applicable in the case of an attempt to commit the offence in question.

Article 501:

Every person who abducts any person, male or female, by deception or violence for the purpose of committing an indecent act shall be liable to nine years at hard labour. Where the indecent act is actually committed, the penalty shall be not less than 21 years.

Article 502:

The above penalties shall be applicable where the offence is committed without deception or violence if the victim is a minor under 15 years of age.

Article 503:

Every person who returns the victim of his own accord within 48 hours to a safe place and releases him or her without having committed an indecent act or other offence, whether felony or misdemeanour, shall be eligible for the mitigating circumstances set forth in article 241.

Article 504:

1. Every person who seduces and deflowers a young girl after promising to marry her shall be liable to a term of up to five years' imprisonment and/or a fine not exceeding LS 300, unless the act warrants a more severe penalty.
2. In the absence of a confession, the only admissible evidence against the offender shall consist of letters and documents written by him.

Article 505:

Every person who touches or fondles, in an indecent manner, a male or female minor under 15 years of age, or a young girl or woman over 15 years of age without her consent, shall be liable to imprisonment for a term of up to one and one-half years.

Article 506:

Every person who makes a shameful or indecent suggestion to a minor under 15 years of age or to a young girl or woman over 15 years of age shall be liable to three days' detention and/or a fine not exceeding LS 75.

Article 509:

1. Every person who habitually incites one or more male or female persons under 21 years of age to engage in fornication or debauchery, or aids and abets in their commission of such acts, shall be liable to imprisonment for a term of three months to three years, together with a fine of LS 75 to 600.

2. Every person who engages in or facilitates clandestine prostitution shall be liable to the same penalty.

Article 510:

Every person who, with a view to gratifying the desires of others, leads astray, entices or lures away a woman or young girl under 21 years of age, even with her consent, or a woman or young girl over 21 years of age through the use of deception, force, threats, abuse of authority or other means of coercion shall be liable to a term of imprisonment of not less than three years and a fine of up to LS 300.

Article 516:

Where there is a finding of incitement to fornication in a trial for misdemeanour, the offender may be sentenced to expulsion from the country or to mandatory supervision; in addition, the premises may be closed.

Article 517:

Behaviour incompatible with common propriety as defined in article 208, paragraph (a) shall be punishable by a term of imprisonment of three months to three years.

Article 518:

Lewd behaviour as defined in article 208, paragraphs (b) and (c) shall be punishable by a term of imprisonment of three months to three years and a fine of LS 30 to LS 300.

Article 519:

Every person who produces, exports, imports or purchases pornographic books, illustrations, drawings, photographs, films or other materials for purposes of sale, distribution or public display, or who advertises them or provides information on how they may be obtained, shall be liable to a term of imprisonment of three months to three years.

95. Judicial rulings relating to these offences:

- “Lewd behaviour” or an “indecent act” is any act committed by a person against another, whether male or female, in a way that is shameful or injurious to his or her modesty or dignity, whether the act consists in the gratification of desire or is committed out of revenge or curiosity or to corrupt the morals of the other person.
- “Licentious behaviour” is an indecent act, but the term is used of any act that is dishonouring and which the perpetrator seeks to conceal.
- The distinction between lewd behaviour and licentious behaviour consists in the importance of the act, the status of the victim, the nature of the area of the body toward which the act is directed, and the time and place of the act. Where it is directed toward a place that is deemed to be part of the genitalia, which people desire to keep concealed and spare no effort to safeguard, the act is deemed to constitute licentious behaviour, while otherwise it is considered lewd behaviour. (Court of Cassation, criminal case No. 217, decision No. 309, 7 May 1964).
- Licentious behaviour is not restricted to anal penetration or vaginal intromission; it also includes any act directed against the person in a place such that his or her honour or modesty is adversely affected, such as touching the pubic area with the genital organ or a similar act of a kind deemed, in the view of society, to constitute licentious behaviour. In such a case, a medical report is not necessary to confirm the occurrence of the act. (Court of Cassation, criminal case No. 121, decision No. 119, 19 February 1983).
- “Rape” is an expression meaning forcible sexual intercourse with a woman.
- Indecent behaviour or lewd behaviour is any act committed against another person that is injurious to his or her honour and adversely affects his or her modesty.
- Licentious behaviour is an indecent act and includes any act that is dishonouring and which the perpetrator seeks to conceal.
- These offences are distinguishable in terms of the importance of the act, the nature of the area of the body toward which the act is directed, and the time and place of the act. (Court of Cassation, criminal case No. 751, decision No. 748, 26 May 1980).
- Indecent behaviour or lewd behaviour is any act committed by one individual with another in a way that is shameful or injurious to his or her modesty or dignity, regardless of whether the act consists in the gratification of desire in the mind of the perpetrator or is committed by way of revenge.

- Similarly, an attempt to uncover or touch a part of a woman’s body that she protects out of modesty is deemed an offence against her honour. The removal of her undergarments and the uncovering of her genitalia are also deemed to constitute an offence against her modesty, injurious to her honour and a stain on her reputation. (Court of Cassation, criminal case No. 682, decision No. 689, 19 May 1981).
- To uncover the genitalia and place the penis between the thighs of a young person constitutes indecent behaviour. (Court of Cassation, criminal case No. 690, decision No. 737, 21 April 1987).
- To remove the underclothing of a minor, look at his genitalia and play with his anus with a finger is deemed to be indecent behaviour and not a proposition. (Court of Cassation, criminal case No. 350, decision No. 401, 20 April 1967).
- To fondle the genitalia of a female minor with the hand is an offence against her honour. (Court of Cassation, misdemeanour case No. 1663, decision No. 1458, 24 May 1967).
- To remove the clothing of a minor and introduce the hand into his anus is an offence against his honour. (Court of Cassation, criminal case No. 7, decision No. 73, 6 February 1960).
- To kiss a female minor and cause her to grasp the offender’s penis is an offence against her honour. (Court of Cassation, criminal case No. 111, decision No. 57, 15 January 1968).
- To place the penis in the hand of a minor is an offence against his honour. (Court of Cassation, criminal case No. 259, decision No. 168, 22 March 1965).
- The fact that the victim was a female under the age of 15 who frequented the home of the accused and made herself available to him of her own free will and choice is not a reason why the penalty should not be imposed upon the offender, because it was the intent of the legislator (Penal Code, art. 491) to protect minors from being seduced and subjected to aggression, and their will was deemed not yet to have reached a stage of maturity and fullness such that they are able to distinguish between prohibited or criminal acts and acts that are permissible. (Court of Cassation, juvenile case No. 334, decision No. 56, 13 March 1982).

96. Anti-Prostitution Act (Law No. 10 of 1961).

Article 3:

Every person who incites any male person under 21 years of age or any female person of any age to leave the Syrian Arab Republic, facilitates his or her departure, employs him or her or accompanies him or her out of the country for purposes of fornication or prostitution, or knowingly aids and abets such departure shall be liable to a

term of imprisonment of not less than one year and not more than five years and a fine of 100 to 500 Egyptian pounds in the Egyptian region and from LS 1,000 to LS 5,000 in the Syrian region.

The maximum penalty shall be imprisonment for a term of seven years where the offence is committed against two or more persons, or where it involves one of the means referred to in article 2, paragraph (a), over and above the prescribed fine.

Article 4:

In the cases referred to in the three preceding paragraphs, the penalty shall be a term of imprisonment of three to seven years where the victim of the offence is under the age of 16, or where the offender is an ascendant of the victim, or a person in charge of his or her education or tutelage, or a person who has authority over him or her, or where the victim is employed for wages by the offender or by one of the above-mentioned persons.

Article 5:

Every person who brings a person into the SAR for purposes of prostitution and fornication, or who facilitates or aids and abets the entry of such a person, shall be liable to a term of imprisonment of not less than one year and not more than five years and a fine of 100 to 500 Egyptian pounds in the Egyptian region and of LS 1,000 to LS 5,000 in the Syrian region.

Article 6:

Every person who:

(a) aids and abets the practice of prostitution by any woman, even by means of financial expenditure; or

(b) exploits a person or fornication by that person by any means,

shall be liable to imprisonment for a term of not less than six months and not more than three years.

The penalty shall be imprisonment for a term of one year to five years where the offence is committed in conjunction with either of the aggravating circumstances set forth in article 4 of this Act.

Article 7:

Every person who attempts to commit one of the offences referred to in the preceding articles shall be liable to the same penalty as a person who actually commits the offence.

Article 8:

Every person who opens or manages a house of fornication or prostitution or by any means aids and abets in the management of such a house shall be liable to imprisonment for a term of not less than one year and not more than three years and a

fine of not less than 100 Egyptian pounds and not more than 300 Egyptian pounds in the Egyptian region and not less than LS 1,000 and not more than LS 3,000 in the Syrian region.

In addition, such a house shall be closed and all furniture and fixtures located therein shall be confiscated.

Where the offender is an ascendant of the person practising fornication or prostitution, a person responsible for his or her education, or a person having authority over him or her, the penalty shall be imprisonment for a term of not less than two years and not more than four years, in addition to the prescribed fine.

Article 9:

Every person who:

- (a) knowingly lets or in any way makes available a house or other premises for purposes of fornication or prostitution or as a residence for one or more persons engaged in the practice of fornication or prostitution; or
- (b) owns or manages a furnished house or furnished rooms or other premises open to the public which he has made available for purposes of fornication or prostitution, whether by receiving persons who engage in those practices or by allowing the premises in question to be used to entice persons to commit fornication or prostitution; or
- (c) habitually engages in fornication or prostitution,

shall be liable to imprisonment for a term of not less than three months and not more than three years, or to a fine of not less than 25 Egyptian pounds and not more than 300 Egyptian pounds in the Egyptian region, and not less than LS 250 and not more than LS 3,000 in the Syrian region, or both.

Every person who is arrested under the provisions of paragraph (c) above may be required to submit to a medical examination, and where it appears that he is infected with a sexually transmissible disease, he may be confined in a treatment centre until cured.

After the term of his sentence has elapsed, the convicted person may be confined in a special reform facility until such time as the competent administrative body orders his release. Such confinement shall be required in the case of repeat offenders. No person may be held in such a reform facility for more than three years.

In the cases referred to in paragraphs (a) and (b) above, the premises shall be ordered closed for a period of not more than three months. This order shall be executed regardless of the objections of any other party, even where the other party possesses the premises in question under an unambiguous fixed-term contract.

Article 10:

For the purposes of articles 8 and 9, a house of prostitution or fornication shall mean any premises habitually used for the practice of prostitution or fornication by other persons, even where only one person is engaged in such prostitution or fornication.

Article 11:

Every operator or manager of public premises, a place of public entertainment, or any other premises open to the public who employs persons who engage in fornication or prostitution with a view to facilitating such practices or with a view to using the persons in question to promote his operation shall be liable to imprisonment for a term of not more than two years and a fine of not more than 200 Egyptian pounds in the Egyptian region or LS 2,000 in the Syrian region.

Where the offender is one of the persons referred to in the final paragraph of article 8, the penalty shall be imprisonment for a term of not less than two years and not more than four years and a fine of 200 to 400 Egyptian pounds in the Egyptian region and LS 2,000 to LS 4,000 in the Syrian region.

The premises shall be ordered closed for a period of not more than three months. In the event of a further offence, the premises shall be permanently closed.

Article 12:

The Office of the Public Prosecutor may, immediately upon ascertaining the facts in the cases referred to in articles 8, 9 and 11, issue orders for the closing of the house being managed for purposes of prostitution or fornication.

Furniture and fixtures seized in the premises referred to in articles 8, 9 and 11 shall be deemed to have been confiscated by administrative procedure by the fact of their seizure, until such time as a final ruling in the case has been issued. An inventory of them shall be made and confirmed in the presence of a person appointed to keep them in his custody without remuneration. The person so appointed shall be one of the following:

The person who opened or managed the premises or assisted in their management, the owner or landlord, or one of the persons living or employed there. The person so appointed shall not have the option of refusing to keep the furniture and fixtures in his custody. Where none of the above-mentioned persons is available, the furniture and fixtures shall be temporarily turned over for safekeeping to any person whom the police may deem suitable for the task, with remuneration, until such time as one of the above-mentioned persons may become available, whereupon the furniture and fixtures shall be turned over to him for safekeeping.

The person who has the furniture and fixtures in his custody shall also be given custody of the seals placed on the closed building. Where there are no furniture and fixtures, the custody of the seals shall be turned over to one of the persons mentioned in the preceding paragraph, in the same way.

In all the above-mentioned cases, the court shall rule on the case expeditiously, within a period not to exceed three weeks, and in the event of a finding of not guilty, the closure order shall be null and void.

Article 13:

Every person who knowingly works or lives on a regular basis in a house of fornication or prostitution shall be liable to imprisonment for a term of not more than one year.

Article 14:

Every person who makes public in any way advertising material containing incitement to fornication or prostitution or calling attention thereto shall be liable to imprisonment for a term of not more than three years or a fine of not more than 100 Egyptian pounds in the Egyptian region and of not more than LS 1000 in the Syrian region, or both.

Article 15:

Following a verdict of guilty in a case involving one of the offences listed in this Act, the offender shall be placed under police supervision for a period equal to the term of his sentence, without prejudice to the provisions relating to vagabonds.

Article 16:

The penalties contemplated in this Act shall be applicable regardless of the application of heavier penalties for which provision is made under other legislation.

Article 17:

The above-mentioned Anti-Prostitution Act of 24 June 1933 and amendments thereto, the above-mentioned Law No. 68 of 1951, and any statutory provision that are at variance with the provisions of this Act are hereby repealed.

Article 18:

From the date at which this Act comes into force, the Minister of Social Affairs and Labour in the Syrian region may have licensed prostitutes interned in a special institution for such a term as he may deem adequate for the purpose of rehabilitating them to lead a life of dignity and training them to make an honest living. Every person who seeks to hinder the attainment of those objectives shall be liable to imprisonment for a term of not more than three months.

97. Law No. 50 concerning freedom of publication: provisions relating to matters banned from publication.

Under article 29, all publishers are banned from publishing:

1. Indictment sheets or means of investigation of felonies or misdemeanours before they are read out in open court;
2. Details of the proceedings in cases of libel, defamation, slander or calumny;
3. Proceedings of trials held in camera and all other trials dealing with divorce, desertion or filiation and all proceedings which a court or investigative authority prohibits from publication as well as reports by forensic medical experts on crimes against morality.

Under article 50, any attack on public morality and decency through publications, and the distribution of publications, graphics, pictures, films, posters and any other items that may violate morality shall be punishable under the provision of the Act, and the offensive items shall be confiscated and destroyed.

Under article 52 (a), any person who instigates a felony through a publication in circulation or on sale, or which is ready for sale or for being displayed in a place of commerce or public gatherings or through billboards, or whose instigation directly produces an attempt to commit a felony, shall be punished with the same penalty as imposed on an accomplice.

Regulations governing organ transplants (Law No. 30 of 2003):

Article 2:

Organs may be transferred and grafted from one living person to another living person in the two following cases:

- (a) Where the tissue or organ is transferred from and to the same body that receives it, in accordance with the judgement of the attending surgeon;
- (b) Where the tissue or organ is transferred from one body to another, subject to the following conditions:
 - (i) The transfer shall not involve an organ that is fundamental to life, even with the consent of the donor;
 - (ii) A committee made up of three medical specialists shall examine the donor to determine whether the transfer of an organ from the donor's body would put his life at risk, and how important the transplant operation is to the recipient;

- (iii) An organ shall be transferred only from a donor who is fully competent and after he has given his explicit consent in the form of a written document, duly notarized;
- (iv) An organ may be transferred from a donor who is a minor only where the recipient and the donor are twin siblings, and subject to the consent of the parents, where both are available, or one of them otherwise, or the legal guardian;
- (v) An organ transplant operation may be performed only after explicit consent in writing has been obtained from the donor, his legal guardian or his family;
- (vi) No donor may give up any of his organs or part thereof for a material consideration or for purposes of profit. Every donor has the right to be treated in State hospitals and at State expense.

Article 7:

Without prejudice to the heavier penalties prescribed in the Penal Code:

- (a) Every person who contravenes the provision of this Act shall be liable to imprisonment for a term of six months to two years and a fine of LS 5000 to LS 10,000;
- (b) Every person who traffics in organs for transplanting shall be liable to a term of imprisonment at hard labour and a fine of LS 50 000 to LS 100,000.

98. Decree prohibiting the employment of children.

99. On 30 December 2004, the Ministry of Social Affairs and Labour issued its Decree No. 1736, which defines a juvenile person as any male or female individual who has not reached 18 years of age, and prohibits the employment of juveniles under 15 years of age in any kind of work whatever. It is lawful to employ juveniles under 18 years of age in productive work.

100. The workday for juveniles is set at six hours, with an hour for food and rest within that period, not to be counted as part of the workday. A juvenile may not work for more than four hours consecutively, and may not be required to work overtime. Juveniles may not be employed on evening shifts between 10 p.m. and 7 a.m., nor may they be required to work on weekly rest days, official holidays or religious feast days.

101. The Decree also stipulates that juveniles must undergo a medical examination at the beginning of their employment to make sure that they are fit for the work, and another examination every year until they reach the age of 18. Furthermore, juveniles may not be required to work with hazardous tools or equipment (fork-lift tractors used for electrical work,

and the like), and before being employed in any kind of work, every young person must take a training course appropriate to the type of work for which he is to be employed. Lastly, under the Decree, young persons may not be required to perform the following kinds of work:

- Cotton ginning;
- Work in warehouses in which there is exposed machinery and equipment;
- Printing in establishments that use lead and solvents;
- Preparation of hemp, flax and wool waste;
- Cutting, incising and trimming stone and marble. Spinning, weaving and sewing silk, cotton, flax or wool by means of motor-driven machinery of any kind;
- Operation of forges in working iron or copper or hulling rice;
- Operation of ovens for the smelting and annealing of metals, glass and cement, and working underground in mines and quarries;
- Working with lead, mercury, arsenic, manganese, phosphorus, chromium or antimony, or extracting, pumping or refining petroleum;
- Working in contact with solvents such as petroleum or similar products, or compounds or derivatives thereof, or similar work, such as cooking blood or bones, rendering fat or tanning hides;
- Working in contact with X-rays or radioactive materials;
- Working in abattoirs and meat canning plants;
- Forestry work, tree-felling, manufacturing tobacco, explosives or alcoholic beverages, working in drinking establishments or places where alcoholic beverages are sold or consumed, manufacturing sulphur and its various applications, or oxyacetylene or electric arc welding.

102. Under the Decree, juveniles between the ages of 15 and 18 may be employed to carry, push or pull loads only subject to the weight limits listed below:

- Loads that may lawfully be carried: 15 kg for men and 10 kg for women. Loads that may lawfully be hoisted on rails: 400 kg for men and 200 kg for women. Loads that may lawfully be pushed on a two-wheeled conveyance: 150 kg for men and 100 kg for women.

Directives for the regulation of Internet cafés

103. The Ministry of Local Administration has issued a decree (Decree No. 472/N, 22 June 2004) regulating the operation of Internet cafés. The technical term “Internet boutique” is preferred to “Internet café”, to avoid any possibility of confusion about the basic function of the establishment in question.

104. The Decree places particular emphasis on the importance of ensuring sanitary conditions and safety conditions in Internet boutiques.

105. No harmful beverages may be sold or served in Internet boutiques, smoking is prohibited, and no video display or VCD devices may be handled. Every prospective operator of an Internet boutique is required to secure authorization from the Syrian Computer Services Association and the Ministry of Culture before opening for business.

106. Studies and research

1. “The Sexual Exploitation of Children in the City of Damascus”, by Dr. Iman al-Izz, 2004.
2. “Sexual Abuse of Children in the City of Aleppo”, a study conducted at the Aleppo Centre for Forensic Medicine, 2002, by Dr. Muhammad Daw.
3. Study on juvenile delinquency conducted at the Khalid ibn al-Walid Institute for boys and the Social Education Institute for girls in Damascus, 2004, by Dr. Iman al-Izz.
4. “The Phenomenon of Juvenile Delinquency: Causes and Treatment”, a study conducted at the Juvenile Section in the Central Prison and the Supervisory Centre for Women Offenders, both in Aleppo, 2002, by Dr. Muhammad Daw.

Prohibition of the sale of children, child prostitution and child pornography

XVI. LEGAL AGE USED TO DEFINE THE MEANING OF “CHILD”

107. As follows:

1. Sale of children

While there are no statutory provisions explicitly making the sale of children an offence, abduction and illicit transfer are offences under Syrian law, and a minor is defined as a person under 18 years of age. (Penal Code, art. 481).

2. Sexual exploitation of children

Legal age: Fifteen years, and the prescribed penalty is heavier where the victim is between the ages of 15 and 18. (Penal Code, art. 496).

3. Child prostitution

Legal age of child: Sixteen years. (Anti-Prostitution Act, art. 4).

4. Child pornography

Under the laws of the SAR, the exploitation of any person for purposes of pornography is prohibited. (Penal Code, art. 519).

5. Engagement of children in forced labour

The legal age of employment is 15 years, and the law defines what kinds of work are lawful for juveniles between the ages of 15 and 18, specifying that the work in question must not be physically very demanding or injurious to the worker's health over the long term.

6. Transfer of organs

The legal age is 18, inasmuch as under Syrian law a minor is any person who has not reached the age of majority, and the age of majority is set at 18 years.

XVII. PENALTIES FOR THESE OFFENCES, AND AGGRAVATING OR MITIGATING CIRCUMSTANCES

108. As follows:

1. Sale of children

109. While there are no statutory provisions explicitly making the sale of children an offence, abduction and illicit transfer are offences under Syrian law, and every offender is liable to imprisonment for a term of six months to three years and a fine of LS 100.

110. The penalty is increased to a term of imprisonment at hard labour if the minor is under 12 years of age or is abducted or taken away by deception or force (Penal Code, art. 481).

2. Sexual exploitation of children

111. Every person who has sexual intercourse with a minor under 15 years of age shall be liable to a term of nine years' imprisonment at hard labour. The said term shall be not less than 15 years if the child is under 12 years of age. (Penal Code, art. 481).

112. Every person who uses force or threats to compel a person to submit to or engage in an indecent act shall be liable to a term of not less than 12 years' imprisonment at hard labour. The minimum term shall be 18 years if the victim is under 15 years of age. (Penal Code, art. 493).

113. Every person who commits an indecent act against a minor under 15 years of age or induces the minor to commit such an act shall be liable to a term of nine years' imprisonment at hard labour. The said term shall be not less than 12 years if the child is under 12 years of age. (Penal Code, art. 495).

114. Every person who has sexual intercourse with a minor over 15 years but under 18 years of age and who is a legitimate or illegitimate ascendant of the minor or is related by marriage to an ascendant of the minor, or who is the minor's de jure or de facto guardian, or who is a servant of any of the said persons, shall be liable to a term of nine years' imprisonment at hard labour. The same penalty shall apply where the offender is a civil servant, cleric, or the director or a staff member of an employment office and commits the offence by abuse of his authority or the facilities at his disposal by virtue of his office. (Penal Code, art. 492).

115. Every person who is one of the persons referred to in article 492 and who commits an indecent act against a minor between 15 and 18 years of age or who induces the minor to commit such an act shall be liable to a term of imprisonment of up to 15 years at hard labour (Penal Code, art. 496).

116. Where the offender is one of the persons referred to in article 247, the penalties contemplated in articles 489-491 and 493-495 shall be increased as stated in article 492. (Penal Code, art. 497).

117. Every person who abducts any person, male or female, by deception or violence for the purpose of committing an indecent act shall be liable to nine years at hard labour. Where the indecent act is actually committed, the penalty shall be not less than 21 years. (Penal Code, art. 501).

118. The above penalties shall be applicable where the offence is committed without deception or violence if the victim is a minor under 15 years of age. (Penal Code, art. 502).

119. Every person who returns the victim of his own accord within 48 hours to a safe place and releases him or her without having committed an indecent act or other offence shall be eligible for the mitigating circumstances set forth in article 241, regardless of whether the offence is a felony or a misdemeanour. (Penal Code, art. 503).

120. Every person who touches or fondles, in an indecent manner, a male or female minor under 15 years of age, or a young girl or woman over 15 years of age without her consent, shall be liable to imprisonment for a term of up to one and one-half years. (Penal Code, art. 505).

121. Every person who makes a shameful or indecent suggestion to a minor under 15 years of age or to a young girl or woman over 15 years of age shall be liable to three days' detention and/or a fine not exceeding LS 75. (Penal Code, art. 506).

3. Child prostitution

122. Every person who habitually incites one or more male or female persons under 21 years of age to engage in fornication or debauchery, or aids and abets in their commission of such acts, shall be liable to imprisonment for a term of three months to three years, together with a fine of LS 75 to 600. Every person who engages in or facilitates clandestine prostitution shall be liable to the same penalty. (Penal Code, art. 509).

123. The penalty shall be a term of imprisonment of three to seven years where the victim of the offence is under the age of 16, or where the offender is an ascendant of the victim, or a person in charge of his or her education or tutelage, or a person who has authority over him or her, or where the victim is employed for wages by the offender or by one of the above-mentioned persons. (Anti-Prostitution Act, art. 4).

124. Every person who brings a person into the SAR for purposes of prostitution and fornication, or who facilitates or aids and abets the entry of such a person, shall be liable to a term of imprisonment of not less than one year and not more than five years and a fine of 100 to 500 Egyptian pounds in the Egyptian region and of LS 1,000 to LS 5,000 in the Syrian region (Anti-Prostitution Act, art. 5).

125. Every person who:

(a) aids and abets the practice of prostitution by any woman, even by means of financial expenditure; or

(b) exploits a person or fornication by that person by any means,

shall be liable to imprisonment for a term of not less than six months and not more than three years.

126. The penalty shall be imprisonment for a term of one year to five years where the offence is committed in conjunction with either of the aggravating circumstances set forth in article 4 of this Act. (Anti-Prostitution Act, art. 6).

4. Child pornography

Every person who exploits a person for purposes of pornography shall be liable to a term of imprisonment of three months to three years. (Penal Code, art. 519).

5. Engagement of children in forced labour

Every person who contravenes the 2000 Decree on Child Labour is liable to a fine of LS 1,000.

6. Traffic in organs

Every person who contravenes the provision of this Act shall be liable to imprisonment for a term of six months to two years and a fine of LS 5,000 to LS 10,000. Every person who traffics in organs for transplanting shall be liable to a term of imprisonment at hard labour and a fine of LS 50,000 to LS 100,000. (Decree regulating the transfer of organs).

**XVIII. STATUTORY LIMITATIONS IN SYRIAN LAW AS THEY
APPLY TO THE OFFENCES REFERRED TO IN
ARTICLE 3, PARAGRAPH 1**

127. The SAR's Penal Code defines statutory limitations as follows:

Article 161:

1. Statutory limitations prevent the application of penalties and precautionary measures.
2. Statutory limitations shall not apply to penalties and precautionary measures involving the deprivation of rights, the denial of residence or the confiscation of possessions.

Article 162:

1. For felonies punishable by the death penalty or life imprisonment, the statutory limitation is 25 years.
2. For felonies punishable by a term of imprisonment, the statutory limitation is double the term of imprisonment to which the offender was sentenced by the court, but not in any case more than 20 years or less than 10 years.
3. For felonies punishable by any other penalty, the statutory limitation is 10 years.
4. The statutory limitation shall run from the date of judgement in the case of a judgement *in absentia*, and from the date of the convicted offender's escape from detention in the case of an offender who was in court for sentencing.

Where the convicted offender escapes after having served part of a term of imprisonment, half the length of time served shall be subtracted from the statutory limitation.

Article 163:

1. For misdemeanours, the statutory limitation is double the term of imprisonment to which the offender was sentenced by the court, but not in any case more than 10 years or less than five years.
2. For any other misdemeanour, the statutory limitation is five years.
3. The statutory limitation shall run:
 - Where the offender was in court for sentencing, from the date at which the sentence was issued, if final, and from the date of confirmation of the sentence, if issued by a court of first instance.

- In the case of a judgement *in absentia*, from the date at which the defendant was notified of the judgement, either in person or at his place of residence. Where the defendant was in detention, from the date of his escape, in which case half the length of time served shall be subtracted from the statutory limitation.

Article 164:

For infractions, the statutory limitation is two years, to run as stated in the preceding article.

Article 167:

1. A statutory limitation shall be counted from one day to the same day, exclusive of the first day.
2. The statutory limitation shall cease to run in the event of any legal or material impediment beyond the offender's control that interrupts the execution of the sentence or other measure.
3. The statutory limitation shall terminate in the event of:
 - (a) The appearance of the offender, or any executory action taken by the competent authority;
 - (b) A further offence committed by the offender that is equivalent to the offence for which he was sentenced, or a more serious offence.

The statutory limitation may not in any case be more than double the length of the sentence.

**XIX. CORPORATE (JURIDICAL) PERSONALITY IN
THE LAW OF THE SYRIAN ARAB REPUBLIC**

128. The SAR's Civil Code defines corporate (juridical) personality as follows:

Corporate (juridical) persons are:

1. The State, governorates and municipalities, subject to the conditions laid down by the law; public institutions, and other entities to which the law grants corporate personality;
2. Religious denominations and institutions which the State recognizes as possessing corporate personality;
3. Charitable endowments;
4. Civilian commercial firms;

5. Associations and institutions established in accordance with the provisions hereinafter set forth;

6. Every group of persons or properties for which the status of corporate personality is confirmed pursuant to the law.

(Civil Code, art. 54)

The law also defines the rights and specifications of corporate personality, as follows:

1. A corporate personality enjoys all rights, except such rights as are inherent in the status of natural person, within the limits established by the law.

2. Every corporate entity thus possesses:

(a) Independent financial liability;

(b) Legal capacity, within the limits specified in its charter of incorporation or as laid down by the law;

(c) The right to litigate;

(d) An independent domicile. A corporate entity's domicile is deemed to be the place where its centre of administration is situated. In the case of firms whose head offices are outside the country but do business in the SAR, the centre of administration is deemed, for purposes of domestic law, to be the place where the firm's local administration is situated.

3. It has a representative who expresses its will.

(Civil Code, art. 55)

The criminal liability of corporate entities is laid down in article 12, paragraph 2 of the Civil Code.

The legal regime governing foreign corporate entities, such as commercial firms, associations, institutions and the like, depends on the law of the State in which any given corporate entity has established its head office. None the less, if the firm or other entity does the bulk of its business in the SAR, it is subject to Syrian law.

Under a number of articles of the Penal Code, corporate entities are liable to various penalties:

Article 108:

Any union, company, association, or other corporate entity, except public directorates, may be closed down if any of its directors, members of its administration,

representatives, employees acting on its behalf or through its agency, commits a crime or deliberate misdemeanour punishable by imprisonment for a term of not less than two years.

Article 109:

Any of the above-mentioned corporate entities may be dissolved in the cases referred to in the preceding paragraph where:

- (a) It has not complied with the legal requirements for its establishment;
- (b) The purpose for which it was established is at variance with the law, or as a practical matter it pursues such purposes;
- (c) It contravenes provisions of the law the violation of which expressly entails dissolution;
- (d) It has previously been closed down by official decree within the previous five years.

Article 110:

1. The closure of a corporate entity shall be for not less than one month and not more than two years. Closure shall entail the cessation of all the entity's operations, it shall be required to change its name, and all the directors who are members of the Board shall be removed from office. It may not abandon its premises, without prejudice to the rights of third parties in good faith.

2. Dissolution shall entail liquidation of the assets of the corporate entity. All directors who are members of the Board and every officer who is personally liable shall be disqualified from founding or managing a similar entity.

Article 111:

Every person who contravenes the foregoing provisions shall be liable to imprisonment for a term of one month to six months and a fine of between LS 100 and LS 1,000.

Under article 209:

1. No one shall be liable to a penalty for an act that he did not commit of his own free will and volition.
2. Corporate entities bear criminal liability for the acts of their directors, the members of their Boards, their representatives and workers when those acts are performed on behalf of the entity or by its means.
3. However, the penalty shall be limited to a fine, confiscation, and publication of the judgement.

Where the law prescribes a penalty other than a fine, the fine shall be replaced by that penalty, and it shall be applied to the corporate entity, subject to the limits set forth in articles 53, 60 and 63.

Article 53:

1. A term of house arrest for a misdemeanour shall be from three months to three years. The sentence shall be served under the same conditions as an order of house arrest for a felony.

2. Where an offender breaks his house arrest for any period of time, he shall be confined instead to prison for a term of not more than the remaining time of his sentence of house arrest.

Article 60:

1. A term of preventive detention shall be from one day to 10 days.

2. Persons sentenced to this penalty shall be confined in places other than the places in which offenders who have committed felonies or misdemeanours are confined.

3. Persons who have been sentenced to confinement shall not be required to perform labour.

Article 63:

1. A sentence of life imprisonment, with or without hard labour, shall entail lifelong deprivation of civil rights.

2. A sentence of imprisonment, with or without hard labour, or a sentence of expulsion or house arrest for a felony shall entail deprivation of civil rights from the day on which the judgement becomes final and for a period of 10 years from the date of enforcement of the original penalty.

**XX. ATTEMPTS TO COMMIT THE ABOVE-MENTIONED OFFENCES
OR COLLUSION OR PARTICIPATION IN THEM**

129. The law of the SAR prescribes penalties for attempted offences as follows:

130. Where a deliberate attempt to commit a felony has not resulted in the actual commission of a felony because of circumstances beyond the control of the perpetrator, the applicable penalty may be reduced as follows:

The death penalty may be replaced by imprisonment at hard labour for life or imprisonment at hard labour for a term of 12 to 20 years;

Imprisonment at hard labour for life may be replaced by imprisonment at hard labour for a term of 10 to 20 years;

Imprisonment for life may be replaced by imprisonment for a term of 10 to 20 years;

Other penalties may be reduced by up to one half.

131. The penalties contemplated in this article may be reduced by up to two thirds where the offender, of his own free will, prevented the results of his offence from occurring (Penal Code, art. 200).

132. Every person who attempts to commit an offence shall be liable to the penalty applicable for that offence, even where he is unable to attain his object because of some material circumstance of which he was unaware (Penal Code, art. 202).

133. The law deals with incitement to commit an offence as follows:

Every person who by any means induces or attempts to induce another person to commit an offence shall be deemed to be guilty of incitement (Penal Code, art. 216).

Every person who incites another person to commit an offence shall be liable to the penalty applicable for that offence, regardless of whether the offence was actually committed, attempted or incomplete. Where the incitement does not lead to the commission of a felony or misdemeanour, a lighter penalty shall be applicable (Penal Code, art. 217).

134. The law deals with participation or collusion in offences as follows:

The persons listed below shall be deemed to be implicated in a felony or misdemeanour:

(a) Every person who gives directions for the commission of an offence, even where the directions are not helpful in practice;

(b) Every person who by any means bolsters the resolve of the perpetrator;

(c) Every person who, for motives of material or moral advantage, assents to the perpetrator's plan to commit an offence;

(d) Every person who aids and abets the perpetrator with acts in preparation for an offence or designed to facilitate an offence, or an act constituting an offence;

(e) Every person who colludes with the perpetrator or an implicated person before the commission of an offence, and helps conceal the facts of the offence or conceals or disposes of things resulting therefrom, or conceals one or more persons implicated therein from the course of justice (Penal Code, art. 218).

135. Where the perpetrator of an offence is liable to the death penalty, the persons implicated in the offence shall be liable to life imprisonment at hard labour, or to imprisonment at hard labour for a term of 12 to 20 years.

136. Where the perpetrator is liable to life imprisonment, with or without hard labour, the persons implicated in his offence shall be liable to the same penalty for a term of not less than 10 years.

137. In other cases, persons implicated in the offence shall be sentenced to the penalty to which the perpetrator is sentenced reduced by up to one half. Preventive measures may be imposed upon them as though they were themselves offenders.

138. Every person who assists in the commission of an offence shall be liable to penalties as though he himself were the offender (Penal Code, art. 219).

139. These are general principles that apply to all cases.

Offences relating to child pornography

140. The provisions of the law are as follows:

141. An offence committed by means of speech transmitted by mechanical means as set forth in article 208, paragraph 2, or an offence committed by one of the means referred to in paragraph 3 of that article, shall be deemed to have been committed both by the originator of the speech or writing and the publisher thereof, except where the former proves that the material was published without his consent (Penal Code, art. 213).

142. Where the offence is committed by means of the press, the director of publication shall be deemed to be the publisher. Where there is no director of publication, the editor or the editor-in-chief of the newspaper shall be deemed to be the publisher (Penal Code, art. 213).

143. The law provides for heavier penalties where the offence is committed by two or more persons who have joined forces to overcome the resistance of the victim or have assaulted him or her in succession (Penal Code, art. 498).

144. Every person who abducts or attempts to abduct a girl or woman by deception or violence for the purpose of marriage shall be liable to the penalty prescribed by law (Penal Code, art. 500).

Offences relating to child prostitution

145. The law provides that every person who knowingly aids and abets prostitution shall be liable to imprisonment for a term of not less than one year and not more than five years and a fine of LS 1,000 to LS 5,000 in the Syrian region (Anti-Prostitution Act, art. 3).

146. Every person who aids and abets the practice of prostitution by any woman, even by means of financial expenditure, shall be liable to imprisonment for a term of not less than six months and not more than three years (Anti-Prostitution Act, art. 6).

147. Every person who attempts to commit one of the offences referred to in the preceding articles shall be liable to the same penalty as a person who actually commits the offence (Anti-Prostitution Act, art. 7).

148. Every person who:

(a) Knowingly lets or in any way makes available a house or other premises for purposes of fornication or prostitution or as a residence for one or more persons engaged in the practice of fornication or prostitution; or

(b) Owns or manages a furnished house or furnished rooms or other premises open to the public which he has made available on a regular basis for purposes of fornication or prostitution, whether by receiving persons who engage in those practices or by allowing the premises in question to be used to entice persons to commit fornication or prostitution,

shall be liable to imprisonment for a term of not less than three months and not more than three years, or to a fine of not less than LS 250 and not more than LS 3000 in the Syrian region, or both (Anti-Prostitution Act, art. 9).

XXI. ADOPTION

149. The SAR has expressed reservations to articles 20 and 21 of the Convention on the Rights of the Child and to article 3, paragraph 5 and article 3, paragraph 1, subparagraph (a) (ii) of the Protocol, dealing with adoption.

150. The reason for this is that the SAR's laws governing personal status are derived from Islamic law, which does not permit adoption. However, it does permit those who so desire, and who meet the appropriate conditions as set forth in the law, to care for foundlings and orphans, subject to the supervision of the State to ensure that there will be no traffic in these children and that their civil status records will not be altered.

Application of criminal law measures

XXII. THE JUDICIAL POWER

151. Measures taken in the event that one of the above-mentioned offences is committed on Syrian soil or aboard a vessel or aircraft belonging to the SAR.

152. Syrian law defines cases in which offences are deemed to have been committed in the SAR, as follows:

1. Syrian law shall apply to all offences committed on Syrian soil.
2. An offence shall be considered as being committed on Syrian soil:

(a) If one of the elements constituting an offence, or an act inseparable from an offence, or a principal or subsidiary act of collaboration took place on Syrian soil;

(b) If the outcome of the offence occurred or was expected to occur on Syrian soil (Penal Code, art. 15).

153. Syrian territory includes the air above it, i.e. Syrian airspace (Penal Code, art. 16).

154. Syrian law also defines the places that are deemed to constitute part of Syrian soil, as follows:

For purposes of the application of criminal law, the following shall constitute part of Syrian soil:

1. The territorial sea out to a limit of 20 kilometres from the beach, as measured from the lowest tide level;
2. The airspace above the territorial sea;
3. Syrian ships and aircraft.

(Penal Code, art. 17)

155. Cases to which Syrian law is not applicable are defined as follows:

Syrian law shall not apply:

1. In the SAR's airspace, to offences committed aboard a foreign aircraft, where the offence is confined to the aircraft.

In the case of an offence that is not confined to the aircraft, Syrian law shall apply where the offender or the victim is of Syrian nationality, or where the aircraft lands in the SAR after the commission of the offence.

2. In the SAR's territorial sea or the airspace above it, to offences committed aboard a foreign ship or aircraft, where the offence is confined to the ship or aircraft.

Accordingly, an offence is deemed to have been committed in Syrian territory where the act constituting its material basis, or part thereof, is committed in Syrian territory, even where the outcome of the offence occurs in another territory.

156. It was the intent of the legislator that an offence should be deemed to have been committed in Syrian territory only where the outcome of the offence was expected to occur in that territory. The assumption here is that the act constituting the basis of the offence was committed outside Syrian territory. The legislator was considering a situation where the perpetrator commits his offence outside the SAR in the expectation that its outcome will occur

inside Syrian territory, but that expectation is not realized. Regardless of whether the outcome does not occur at all or occurs in some other territory, the criminal situation is subject to Syrian law (see Penal Code, art. 15).

157. Pursuant to the foregoing principle, the material basis of the offence must be very precisely defined. The definition excludes preparatory acts and acts aimed at concealing the effects of the offence, even where those acts are deemed to constitute offences in their own right.

158. In articles 17 and 18 of the Penal Code, the legislator has distinguished between ships and aircraft of Syrian nationality and foreign ships and aircraft. Where a ship or aircraft is Syrian at the time the offence was committed, Syrian law applies, regardless of where the ship or aircraft is. The situation is the same if the ship or aircraft is in Syrian territorial waters, Syrian airspace, on the high seas or the airspace over the high seas, or in foreign territorial waters or airspace. In this connection, the legislator has not distinguished between civilian and military ships or aircraft. These rules logically apply to Syrian ships or aircraft in Syrian territorial waters or airspace, or on the high seas or in the air above it, inasmuch as it is a settled principle in international public law that the high seas and the air above it are not subject to the sovereignty of any State.

159. Unquestionably, then, Syrian law is applicable to offences committed in Syrian territory. However, in the case of offences committed in foreign territorial waters or airspace, the true explanation of this principle is the legislator's fear lest the foreign State may not prosecute the perpetrators, who would then escape punishment. Such an outcome would be prejudicial to justice, and consequently the legislator was concerned to avoid it.

160. Syrian law is not applicable to offences committed aboard a foreign ship or aircraft in Syrian territorial waters or airspace provided the offence is confined to the ship or aircraft in question.

Definition of "confined"

161. In using the term "confined" to a ship or aircraft, the legislator refers to events on board (the corresponding French term is *à bord de*) the ship or aircraft. The meaning is that the act constituting the offence is committed entirely within the material body of the ship or aircraft, and that the offender and the victim were members of the crew or passengers.

162. The reason for this self-limitation on the part of Syrian law is that an offence committed in these cases does not jeopardize security in the SAR and has no adverse impact on its interest. This is an absolute principle in the case of ships. Offences committed aboard aircraft that are not confined to the aircraft do come under the jurisdiction of Syrian law where either the offender or the victim is of Syrian nationality, or where the aircraft lands in SAR territory after the offence has been committed. The reason for this special rule is that in the three cases just referred to, the offence does affect the interest of the SAR or threaten its security, owing to the presence of a dangerous individual and a violation of the law in its territory.

163. Where the accused is a citizen or resident of the SAR, Syrian law applies. The relevant provisions of the law are as follows:

164. Syrian law shall apply to any Syrian person who, when outside Syrian territory, commits, instigates or is involved in a felony or misdemeanour punishable under Syrian law. The same shall apply even if the accused person loses his Syrian nationality or acquires it after the commission of the felony or misdemeanour (Penal Code, art. 20).

165. Syrian law shall apply outside Syrian territory:

1. To crimes committed by Syrian officials during or on the occasion of their exercise of their functions;

2. To crimes committed by officials of the foreign service and to Syrian consuls who enjoy immunity under international public law.

(Penal Code, art. 21)

166. Where the victim is a citizen of the SAR:

Syrian law is applicable where the victim is a citizen of the SAR in the case of an offence committed in Syrian airspace as defined by law, where the offence is confined to the aircraft concerned, or where the aircraft lands in the SAR after the offence has been committed.

In the case of an offence committed in a foreign ship or aircraft in the SAR's territorial sea or in the airspace above it, Syrian law is applicable where the offence is confined to the ship or aircraft concerned.

167. Where the accused is in the SAR:

Syrian law shall apply to any foreign national resident in Syrian territory who commits, instigates or is involved in a felony or misdemeanour punishable under Syrian law, other than those listed in articles 19, 20 and 21, outside Syrian territory, where his return has not been requested or accepted (Penal Code, art. 23).

Syrian law shall not apply on Syrian territory to offences committed by members of a foreign diplomatic or consular corps who enjoy immunity under international law (Penal Code, art. 22).

168. The provisions of the SAR's Penal Code do not explicitly recognize foreign penal law as having original executive power. However, such recognition may be based on an international treaty to which the SAR is a party, such as the Arab League Convention on Extradition, to which the SAR acceded by Law No. 155 of 1955, or the Judicial Accord between the SAR and Lebanon, which was adopted by law No. 148 of 1951.

169. However, the legislator recognizes foreign law has having secondary executive power (Penal Code, art. 29). The explanation of this recognition is that the criminal justice systems referred to in article 29 are aimed at addressing the danger to society that a criminal individual represents and matching the response to the nature and extent of that danger.

170. Under article 29 of the Penal Code, the criminal law of a foreign jurisdiction, in so far as it deals with acts that are felonies or misdemeanours under Syrian law, may be relied upon for:

1. The execution of judgements made pursuant to it relating to preventive measures, disqualification or deprivation of rights, in so far as those judgements are consistent with Syrian law, and the execution of orders for reimbursement, compensation and other civil matters;
2. Judgements made under Syrian law relating to preventive measures, disqualification or deprivation of rights, or to reimbursement, compensation and other civil matters;
3. The application of Syrian law in matters of recidivism, habitual criminal behaviour, multiple offences, stays of execution, suspension of judgement, or reconsideration.

171. The Syrian judge has discretion to decide whether the foreign ruling is applicable at law as regards form and substance, on the basis of the documentation in the case.

172. In addition, Syrian law includes provisions governing the extradition of offenders and the attendant conditions, as follows:

173. No one shall be extradited to a foreign State, except in the situations contemplated in this Act, unless such extradition is carried out pursuant to a treaty having the force of law (Penal Code, art. 30).

174. The situations in which extradition is permissible are as follows:

1. Offences committed in the territory of the State requesting the extradition;
2. Offences that affect that State's security or financial situation;
3. Offences committed by a national of that State.

(Penal Code, art. 31)

175. Situations in which extradition is not permissible are as follows:

Extradition shall not be permitted for domestic offences within the territorial jurisdiction of Syrian law and its jurisdiction in matters of personal identity as defined in articles 15-17, the end of paragraph 1 of article 18, and articles 19-21 (Penal Code, art. 32).

176. Extradition is also denied:

1. Where the act is not a criminal offence or misdemeanour under Syrian law, except where the circumstances of the act constituting the offence cannot exist in the SAR because of its geographical situation;
2. Where the penalty prescribed under the law of the State requesting extradition or the law of the State in whose territory the acts were committed is less than one year's imprisonment for all the offences for which extradition has been requested. Any single judgement must be for a penalty of not less than two months' imprisonment;
3. Where the offence is one concerning which a final judgement has been handed down in the SAR, or where the charge has been dropped or the penalty quashed in accordance with Syrian law or the law of the State requesting extradition or that of the State in whose territory the offence was committed (Penal Code, art. 33).

177. Furthermore, extradition is denied:

1. Where the request for extradition concerns an offence that is political in nature, or where it appears that the request is politically motivated;
2. Where the accused person had been enslaved in the territory of the State requesting extradition;
3. Where the prescribed penalty under the law of the State requesting extradition is deemed to be socially unacceptable.

178. Under the provisions of article 34, paragraph 2, the prohibition on the extradition of slaves is absolute. These persons may not be extradited, regardless of whether they ran away from their masters in order to escape from their condition of slavery and regain their freedom, or whether they fled in order to avoid prosecution for crimes they had committed, regardless of the nature of those crimes (Penal Code, art. 34).

179. A request for extradition may be denied on other grounds as well:

1. Where the judge considers that the requisite legal conditions have not been fulfilled, or that the charge is not well founded, the Government shall deny the request for extradition.
2. Otherwise, or where the accused person consents in open court to be extradited, without examination of the legality of the request for extradition, the Government may accept or deny the request for extradition, at its discretion (Penal Code, art. 35).

180. The accused person may not be prosecuted, nor may any penalty be executed against him, nor may he be extradited to a third State for any previous offence other than the offence motivating the request for extradition, except with the consent of the State from which the

extradition is requested, and subject to the conditions set forth in the preceding article (Penal Code, art. 36, on the extradition of fugitives from justice).

XXIII. EXTRADITION OF OFFENDERS

181. Procedures and mechanisms:

182. Syrian law makes provision for procedures and mechanisms under which the extradition of offenders may be requested in the absence of international treaties having the force of law in the SAR.

183. Syrian law has adopted mixed competence in the matter of requests for extradition, i.e. between the judicial power and the executive power. A request for extradition is first submitted to the judiciary. The judicial opinion is binding if it is for denial of the request for extradition. If the judge considers that the request has merit, the Government has discretion to grant or deny the request in the light of political considerations that it deems relevant. In a word, where the judge issues an opinion in favour of granting the request, that opinion is only advisory in nature (Penal Code, art. 35).

184. Syrian law affirms the primacy of international instruments having the force of law in the SAR (Republican Decree No. 53 of 1955, art. 1).

185. In the absence of such instruments, the Decree defines procedures governing the extradition of offenders, as follows:

1. Requests for the extradition of offenders and persons liable to prosecution shall be sent to the Syrian Government via the political (diplomatic) channel (Republican Decree No. 53 of 1955, art. 2).

2. Every request for extradition must be accompanied by the following documents:

(a) A statement giving full details of the identity of the person whose extradition has been requested, including his nationality and a description of him, with a photograph where possible;

(b) (i) The court order issued either in the presence of the parties or *in absentia*, containing the sentence issued in respect of the person whose extradition has been requested, where he has been tried;

(ii) The order delivering the person to the system of justice, the warrant for his arrest or any other warrant issued by the competent judicial authority, where the person whose extradition has been requested has not been tried;

(c) The charge brought by the Office of the Public Prosecutor, the allegation made by the individual bringing the case, or the complaint made by the plaintiff;

(d) Statements and evidence confirming the conviction of the person whose extradition has been requested;

(e) A detailed statement of the nature of the offence and the circumstances, date and place of its occurrence;

(f) The provisions of the law that apply to the case.

The originals of the above-mentioned documents, or copies certified by the competent judicial authority, must be submitted (Republican Decree No. 53 of 1955, art. 3).

3. A committee to be known as the Extradition Committee shall be established within the Ministry of Justice. The committee shall comprise:

- The Deputy Minister of Justice, who shall serve as Chairman;
- Two judges, to be appointed by decree at the recommendation of the Minister of Justice.

In addition, an associate member shall be appointed (Republican Decree No. 53 of 1955, art. 5).

4. The powers of the Committee are defined as those of an examining magistrate with respect to arrest, release on bail and investigation by lawful means (Republican Decree No. 53 of 1955, art. 6).

5. It is essential for the suspect to be represented by counsel at investigation proceedings. The suspect shall appoint his own counsel, or, where he is unable to do so, the authority conducting the investigation shall appoint a lawyer to represent him (Republican Decree No. 53 of 1955, art. 8).

6. The person whose extradition has been requested may not be held in detention pending delivery of the file on his case for a period of more than one month, except where the requesting State shows what the Extradition Committee deems to be reasonable cause for his continued detention, in which case he may be held for a period of not more than three months.

The Committee may extend the one-month period to three months on its own initiative where the request originates from a State that does not border upon the SAR (Republican Decree No. 53 of 1955, art. 11).

7. Where the extradition of an individual is requested by more than one State for a single offence or a number of offences, the Extradition Committee shall rank the requests by priority on the basis of the circumstances and facts of the case, including in particular the gravity of the offences, the place(s) where they were committed, the dates

at which the requests were received, and the requesting States' commitment to return the extradited individual (Republican Decree No. 53 of 1955, art. 14).

8. Where the person whose extradition has been requested is being prosecuted before a Syrian court or has been convicted for another offence in the SAR, the matter of whether he shall be extradited shall be determined in accordance with the provisions of this Act. In any case, his extradition shall be delayed until such time as the case against him has been dropped or has been declared inadmissible, he has been tried and acquitted or found not responsible, he has served his sentence or been pardoned, or he has been released because the reasons for his detention are not longer applicable (Republican Decree No. 53 of 1955, art. 15).

9. Where the individual whose extradition has been requested states at his hearing that he consents to be extradited to the authorities of the requesting country, the Extradition Committee may decide to extradite him, even where it has not yet received the file on the case (Republican Decree No. 53 of 1955, art. 17).

10. Where the Extradition Committee decides to deny the request for extradition, the person concerned shall be released immediately, if he is being held in detention.

Where the Committee decides to extradite the individual, a decree shall be issued authorizing his extradition, at the recommendation of the Minister of Justice.

The State requesting the extradition shall be required to give assurances that the individual concerned will be tried only for the offence for which his extradition was requested (Republican Decree No. 53 of 1955, art. 18).

11. Where the State requesting the extradition has not taken possession of the individual concerned one month after having been notified of the issue of the decree authorizing his extradition, the individual shall be released, and may be extradited thereafter only under a new decree issued in accordance with the provisions of this Act, and the request for extradition may be denied on the grounds of non-execution of the previous decree (Republican Decree No. 53 of 1955, art. 19).

12. Requests for the return of persons who have been convicted or are being prosecuted in Syrian courts shall be referred to the Extradition Committee, and the Committee shall have discretion to make the appropriate decision (Republican Decree No. 53 of 1955, art. 20).

13. There shall be no appeal from decisions of the Extradition Committee on the extradition or return of individuals (Republican Decree No. 53 of 1955, art. 21).

14. Where an individual is being extradited in due form from one State to another and one of those States requests passage for the individual concerned through the territory of the SAR, the Minister of Justice, after considering the extradition decision, may authorize such passage with an adequate force to guard the individual in question and the accompanying incriminating evidence.

186. The Minister may authorize the passage of the individual alone, stipulating that the shall be guarded by SAR security forces during his passage through Syrian territory (Republican Decree No. 53 of 1955, art. 23).

187. After a request for extradition has been accepted by the competent committee, a warrant for the arrest and appearance of the individual whose extradition has been requested shall be issued. The Ministry of the Interior and its Criminal Security Directorate are empowered to execute the warrant in accordance with the law.

188. Number of requests for extradition (with detailed information about the persons involved):

No requests for extradition in respect of offences listed in the Protocol were received during the period 2003-2004.

189. Article dealing with procedures:

Under SAR law, the person whose extradition has been requested may not be held in detention pending delivery of the file on his case for a period of more than one month, except where the requesting State shows what the Extradition Committee deems to be reasonable cause for his continued detention, in which case he may be held for a period of not more than three months.

The Committee may extend the one-month period to three months on its own initiative where the request originates from a State that does not border upon the SAR (Republican Decree No. 53 of 1955, art. 11).

XXIV. CONFISCATION OF GOODS AND PROCEEDS AND CLOSING OF PREMISES

Judicial and administrative measures:

190. In the matter of items confiscated with offenders whose extradition has been requested, Syrian law provides for various mechanisms and procedures, as follows:

1. Having due regard for the rights of third parties and pursuant to the decision of the Extradition Committee, all the items obtained by the wanted individual as a result of the offence for which his extradition has been requested, or the items found in his possession, shall be confiscated, together with the instrumentalities used to commit the offence and any other object serving to facilitate that offence, shall be turned over to the State requesting his extradition.

2. These items shall be turned over to the requesting State upon the issue of a decree authorizing the extradition of the offender, regardless of whether he is duly extradited or whether he cannot be extradited because he has died or fled or cannot be found.

3. All items concealed or deposited by the wanted individual that come to light after his extradition shall also be turned over to the requesting State.

4. The confiscated items may be retained where the Extradition Committee deems such retention necessary. It reserves the right to require their return (Republican Decree No. 53 of 1955, art. 23).

191. That is to say, as a general rule the confiscated items are turned over to the authority requesting the extradition, but, exceptionally, the Extradition Committee may deem it necessary to retain them or to ask the requesting authority to return them.

192. Furthermore, under the Anti-Prostitution Act (law No. 5 of 1961), goods may be confiscated, building closed and fines and other penalties levied upon persons engaging in activities relating to prostitution or pornography.

Seizure of goods and proceeds:

193. The Office of the Public Prosecutor may, immediately upon ascertaining the facts in the cases referred to in articles 8, 9 and 11, issue orders for the closing of the house being managed for purposes of prostitution or fornication.

194. Furniture and fixtures seized in the premises referred to in articles 8, 9 and 11 shall be deemed to have been confiscated by administrative procedure by the fact of their seizure, until such time as a final ruling in the case has been issued. An inventory of them shall be made and confirmed in the presence of a person appointed to keep them in his custody without remuneration (Anti-Prostitution Act, art. 112).

195. The Penal Code, for its part, provides that having due regard for the rights of third parties in good faith, all items resulting from a felony or misdemeanour or having been used in or prepared for the purpose of the commission of a felony or misdemeanour may be confiscated (Penal Code, art. 69).

196. All items made, purchased, sold or used unlawfully may also be confiscated, even where they are not the property of the accused or convicted individual, or where the prosecution has not resulted in a conviction (Penal Code, art. 98).

Closure of premises:

197. Premises that have been opened for prostitution or incitement to fornication shall be ordered closed and all furniture and furnishings therein shall be confiscated (Anti-Prostitution Act, art. 8).

198. Such premises shall be ordered closed for a period of not more than three months. This order shall be executed regardless of the objections of any other party, even where the other party possesses the premises in question under an unambiguous fixed-term contract (Anti-Prostitution Act, art. 9).

199. In the event of a further offence, the premises shall be permanently closed (Anti-Prostitution Act, art. 11).

200. Premises where an offence has been committed by the owner or with his consent may be ordered closed for a period of not less than one month and not more than two years, where the law contains an explicit provision to that effect (Penal Code, art. 103).

201. Where premises have been ordered closed because of a criminal offence or an offence against morality, the convicted person, members of his family, and any other person who owns or rents the premises in question in the knowledge of the activities taking place there shall be prohibited from engaging in the same activities at those premises.

202. The prohibition shall not extend to the landlord or to any person holding a lien, mortgage or other claim on the premises in question, where that person was unconnected with the offence (Penal Code, art. 104).

203. Signed agreements relating to extradition:

1. Arab League Convention on Extradition, to which the SAR acceded by Law No. 155 of 1955;
2. Judicial Accord between the SAR and Lebanon, which was adopted by law No. 148 of 1951;
3. Riyadh Agreement on Judicial Cooperation of 1979, which was signed by most Arab States in 1983.

Protection of the rights of the child

XXV. MEASURES FOLLOWED DURING TRIALS

204. Special courts to try juvenile cases have been established in the SAR. These courts consist of a presiding judge, two members holding the higher diploma who are selected by the Minister of Justice and two alternate members who shall be civil servants nominated by the Ministry of Higher Education, the Ministry of Social Affairs and Labour, and the Women's Federation and who shall be appointed under the terms of a decree based on a proposal by the Minister of Justice (Juvenile Delinquents Act (law No. 18 of 1974), art. 32).

205. These courts have been established in an effort to ensure that children are tried fairly and objectively, taking into account their privacy and having regard to their psychological and social makeup.

206. Under Syrian law, a juvenile is any male or female person under 18 years of age (Juvenile Delinquents Act, art. 1).

207. The age at which a juvenile could be prosecuted was raised from seven years to 10 years under a Republican Decree issued in 2003.

208. The Act stipulates that reform measures only shall be applied where an offence is committed by a juvenile (Juvenile Delinquents Act, art. 3).

209. Where a juvenile commits an offence, he is liable only to lighter punishments. No juvenile under the age of 18 may be sentenced to death under any circumstances.

210. For example, where the law prescribes the death penalty for a particular felony, a juvenile is liable only to imprisonment for a term of six to 12 years (Juvenile Delinquents Act, art. 26).

211. In order to preserve the future and reputation of the juvenile concerned, no record is kept of his offence and the punishment applied (Juvenile Delinquents Act, art. 58).

212. In the child's interest, regardless of whether the child is a victim or the accused, the Act provides that the trial shall proceed as quickly as possible, and that there shall be no delay at any stage in the prosecution process (Juvenile Delinquents Act, art. 46).

213. In addition, the Act states expressly that the child's interest must be observed during the trial, the custody proceedings, or any reform measures to which the child may be sentenced (Juvenile Delinquents Act, arts. 5, 6 and 7).

214. The Act also states expressly that it is important for child offenders who have committed infractions punishable by reform measures to be placed in State-recognized institutions. Every such institution is required to provide juvenile inmates in its custody with education, vocational training and appropriate work, and to provide them with the necessary advice and guidance to enable them to pursue their lives and earn an honest living.

215. The institution is required to report to the court on the progress of every juvenile in its custody every three months. The report may include a recommendation for the release of the juvenile concerned, but the court has sole discretion in the matter (Juvenile Delinquents Act, art. 26).

216. Furthermore, the Act provides that every juvenile court judge, within his sphere of competence, shall monitor the application of decisions and judgements issued in respect of juvenile offenders. He is required to visit, once every three months, reform centres, supervisory centres, and other institutions that cooperate with the juvenile courts and report on his findings to the Ministry of Justice and the Ministry of Social Affairs and Labour (Juvenile Delinquents Act, art. 38).

Method of determining the true age of victims

217. Where there are no official records relating to the victim, or where there is doubt as to the victim's true age, as may happen in the event of delay in registering a birth, or in remote areas or among nomadic groups, an expert opinion is required. As a rule, a team consisting of a forensic medical specialist, a qualified radiologist and radio imagery specialist, and an orthopaedic surgeon is formed, and the victim is subjected to an external examination (to identify signs of maturity in both sexes) and a dental examination. His or her left wrist is then X-rayed to determine his or her age from ossification points and the bone marrow. This procedure is acknowledged world-wide to yield a value for the subject's true age that is 95 per cent accurate. Other areas of the body may be X-rayed if greater precision is required. In such cases, care is taken to ensure that the victim is not exposed to excessive quantities of X-rays.

218. The radiographic images are then compared with images in standard world atlases to determine the victim's age.

Respect for the dignity of children during investigation

219. The Juvenile Delinquents Act expressly provides that the child's dignity must be respected, and the court may decide to excuse the juvenile from appearing in court where his or her best interest so requires (Juvenile Delinquents Act, art. 48).

220. In order to preserve the juvenile's dignity and reputation, the Act provides that he shall be tried in camera, and that the only persons present shall be the juvenile concerned, his guardian, tutor or other person responsible for him, the complainant and his representatives, a person delegated by the Social Services Office or a supervisory centre, and a probation officer (Juvenile Delinquents Act, art. 49).

221. The Act also provides that photographs of juvenile defendants, transcripts of court hearings or summaries of the proceedings, and court rulings may not be published in books or newspapers or in the form of films in any way, until such time as the competent court authorizes such publication (Juvenile Delinquents Act, art. 54).

Right of one of the parents or a legal advisor to be present during investigation

222. Under Syrian law, at any stage of the proceedings, the court may summon the juvenile's guardian or tutor, or the person in whose custody the juvenile is placed, or a representative of the body in the custody of which the juvenile is placed, together with a representative of the Social Services Office or the probation officer, as the case may be, and shall hear the statements of these persons together with those of the juvenile.

223. The juvenile's guardian or person in whose custody he is placed is informed that it is essential for the juvenile to be represented by counsel, regardless of whether the offence in the case is a felony or a misdemeanour. If the guardian or other person cannot arrange for such representation, the court will appoint a lawyer to represent the juvenile (Juvenile Delinquents Act, art. 44).

Informing the child of his or her legal rights

224. The SAR guarantees that every citizen has the right to a fair trial. The Trial Procedures Act expressly states that every person who is charged with an offence shall be informed of his legal rights.

225. The juvenile's guardian or person in whose custody he is placed is informed that it is essential for the juvenile to be represented by counsel, regardless of whether the offence in the case is a felony or a misdemeanour. If the guardian or other person cannot arrange for such representation, the court will appoint a lawyer to represent the juvenile (Juvenile Delinquents Act, art. 44).

Allowing the child to express his opinion

226. The Constitution of the SAR, which was promulgated in 1973, stipulates that every person has the right to express his opinion freely and openly by word of mouth, in writing, or through any other medium of expression (Constitution of the SAR, art. 38).

227. This right is maintained in trials. Under the Evidence Act, persons under the age of 18 are not competent to testify. However, the courts of appeal have held that a victim who is a minor is competent to testify in cases of alleged rape and offences against morality (Court of Cassation, decision No. 28, 22 January 1979 and decision No. 156, 3 March 1979).

Psychological and social support during trial proceedings

228. Syrian law expressly provides that a representative of the Social Services Office or a probation officer must be present at all stages of every trial in juvenile court in order to provide the juvenile concerned with psychological and social support (Juvenile Offenders Act, art. 44).

Protecting the privacy and identity of child victims

229. The law provides that photographs of juvenile defendants, transcripts of court hearings or summaries of the proceedings, and court rulings may not be published in books or newspapers or in the form of films in any way, until such time as the competent court authorizes such publication (Juvenile Delinquents Act, art. 54).

230. Needless to say, the publication of anything that might adversely affect the privacy of the victim is prohibited.

Ensuring the safety of victims and witnesses

231. Syrian law guarantees the safety of victims and witnesses. Every person who attempts to influence the testimony of witnesses, whether by threats or coercion or by offering material incentives, is liable to severe penalties.

Ensuring the right of child victims to receive compensation

232. Under Syrian law, all individuals, including children, are entitled to receive compensation for any detriment they have suffered (Civil Code, art. 52).

233. In addition, any person who commits a felony that causes moral or material injury to others is obliged to pay compensation (Penal Code, art. 138).

Reintegration of victims into society

234. The SAR has no official centres specializing in the treatment of children who have been victims of sexual exploitation.

235. However, there are two centres run by community associations that provide shelter for battered women and children and socially disadvantaged persons. One of these, located near

Damascus, the capital of the SAR, has the capacity to accommodate 13 women. It is operated by the Pious Monk Association.

236. The other centre is the Welfare Centre run by the Association for the Welfare of Detainees and their Families in the city of Aleppo in the northwestern region of the SAR. Aleppo is the largest of the country's governorates in terms of population (with 21 per cent of the total for the entire SAR). The Centre can accommodate 65 juveniles under the age of 18, including both boys and girls. Some of these are the children of detainees, others are battered children, and still others are victims of sexual exploitation.

237. These two centres provide shelter and psychological and social care for children, and attempt to reintegrate them into society.

238. However, they are lacking in the specialized expertise that would enable them to deal optimally with these children.

239. A private institution known as Rainbow for a Better Childhood is currently establishing a centre for the protection and social reintegration of children.

240. The proposed national plan to protect children from violence that has been submitted by the Syrian Commission for Family Affairs provides for the establishment of a special centre for the protection of battered children and children who have been subjected to sexual exploitation. The function of the centre will be not only to protect these children but also to treat the effects of the mistreatment they have suffered and enable their social rehabilitation.

Prevention of the sale of children, child prostitution and child pornography

XXVI. LEGISLATE AND ADMINISTRATIVE MEASURES

241. See section VII of this report.

XXVII. PROMOTING AWARENESS

Through the media:

242. The audio-visual and print media have disseminated a great deal of material on the rights of the child and a culture of non-violence against children. A study on coverage of the rights of the child in the SAR press has been conducted in cooperation with UNICEF.

243. A number of televised workshops on battered children and child labour have been held.

244. The Ministry of Information, for its part, has used its audio-visual and print outlets to discuss many social and educational aspects of the issues of battered children, child labour, dropping out of school, the education of girls and other subjects with a view to heightening social awareness of the exploitation of children as dealt with in the Protocol.

245. However, we still do not have an integrated plan expressly developed to foster awareness of the issues referred to in the Protocol and make Syrian society more sensitive to some of the crimes there addressed, such as the sexual exploitation of children, and because the necessary financial resources and expertise are in short supply, the promotion of awareness continues to be a problem.

Posters

246. The Ministry of Education, the World Health Programme, the Ministry of Health and the National Programme to Combat AIDS have joined forces to produce posters and placards on the dangers of AIDS, presenting simplified information on this disease and means of preventing it. These have been distributed to all schools and media outlets.

247. The National Conference on Children in the SAR featured numerous posters dealing with children's rights and the protection of children.

248. In addition, SCFA has produced and distributed many brochures and posters on the protection of children from violence and exploitation.

Juvenile delinquents

249. The Association for the Welfare of Detainees and their Families and the Young People's Welfare Association, in cooperation with the Ministry of the Interior and the Ministry of Social Affairs and Labour, work constantly to promote awareness of issues affecting juvenile delinquents. They organize periodic lectures on the dangers of narcotics and sexually transmitted diseases, they provide literacy courses for juveniles, and they also offer computer training programmes for those who are interested. In addition, they encourage juvenile delinquents to continue their education and provide them with the necessary support in that connection. Another service provided by these associations is specialized social supervision to treat poor psychological attitudes in these young people and foster their social reintegration.

Schools

250. The Ministry of Education has taken a number of measures, including:

1. Inclusion of the subject of AIDS and AIDS prevention in its school health training programmes at the basic and secondary levels;
2. Organization of workshops and training courses for school health workers and educational guidance personnel on promoting awareness of AIDS and sexual health;
3. Distribution of educational brochures and posters on AIDS and AIDS prevention to schools and school clinics;
4. Coordination with various organizations working in the field of children's issues to promote awareness of AIDS and sexually transmitted diseases in general;

5. Cooperation with the Ministry of Health and the Ministry of the Interior to conduct awareness campaigns in schools and distribute pamphlets and brochures on the dangers of narcotics;
6. Initial steps to incorporate the principles of a culture of children's rights into curricula;
7. Action to alert all teachers and educators to the importance of not using violence on pupils, backed up by severe penalties for those who do.

National conferences

251. The National Conference on Children in the SAR was held in the city of Aleppo on 8 and 9 February 2004, under the distinguished patronage of Asmaa al-Assad, the wife of the President of the Republic. The Conference discussed all issues relating to children and childhood, and numerous studies and scientific papers dealing with these subjects were presented. The Conference was covered intensively by the media, with the result that its recommendations relating to children's issues, notably violence against children and all forms of exploitation of children, were widely publicized.

252. A symposium on protecting children from violence and exploitation was held in Damascus from 9-11 December 2004. Many distinguished experts attended the symposium, and it, too, received abundant media coverage. In particular, a televised panel discussion on the phenomenon of violence against children proved to be a useful means of bringing the issues of child abuse and the exploitation of children forcefully to public attention, after a long period during which those problems had been marginalized and of concern only to a handful of concerned persons.

Workshops and training courses

253. See Section VII of this report.

International assistance and cooperation

254. Article 10, paragraph 2 of the Protocol.

XXVIII. MEASURES TO DEAL WITH THE ROOT CAUSES OF PROBLEMS SUCH AS POVERTY AND UNEMPLOYMENT

Domestic measures

255. In 2002, the Government of the SAR established the Public Commission to Combat Unemployment, while the Fund for Integrated Rural Development in Syria (FIRDOS) was launched in 2001. Both these initiatives are aimed at reducing the incidence of unemployment and combating unemployment. Furthermore, the objectives of combating unemployment,

improving living conditions for all, including children in particular, and reducing poverty have been featured in successive national five-year plans.

256. See Section X, subsections 17-18 of this report.

International cooperation

257. The Government of the SAR cooperates with international organizations such as UNICEF and UNIFEM with a view to improving the situation of children and women. It cooperates with UNDP, the United Nations Development Programme, as well.

258. In addition, the Government cooperates with a number of non-governmental organizations, such as the International Society for the Prevention of Child Abuse and Neglect (ISPCAN).

259. The Khalid ibn al-Walid centre for juvenile delinquents was upgraded early in 2005, thanks to a cooperative project involving the Italian agency Movimondo.

260. On 19 October 2004, the SAR initialled a partnership agreement with the European Union which it is hoped will lead to qualitative improvement in the development process, and consequently lower unemployment rates and less poverty.

261. Cooperation with Japan has enabled the SAR to make numerous grants and soft loans available for the purpose of alleviating poverty and promoting development.

262. Lastly, the Arab Fund for Economic and Social Development, in Kuwait, has funded various development projects aimed at upgrading the quality of life, with particular emphasis on children.

XXIX. PROTECTION OF VICTIMS

263. Article 10, paragraph 2.

International cooperation to assist child victims and promote their repatriation

264. The SAR cooperates with the Office of the United Nations High Commissioner for Refugees to provide appropriate conditions for these refugees, especially children, many of whom are from Somalia, Sudan and Iraq.

265. The SAR works with UNHCR to enable these children to return to their countries as soon as conditions there permit.

266. The SAR also provides all the facilities it can to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to assist and protect children and provide them with living conditions that are as satisfactory as possible.

Bilateral and multilateral agreements

1. The Protocol to Amend the Convention for the Suppression of Traffic in Women and Children (Geneva, 30 September 1921), adopted at New York on 12 November 1947. The SAR signed the Protocol on 17 November 1947.
2. The International Convention for the Suppression of Traffic in Women and Children (Geneva, 30 September 1921), as amended by the Protocol signed at New York on 12 November 1947. The SAR accepted the Convention on 17 November 1947.
3. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (New York, 12 March 1950), which entered into force in July 1951. The SAR acceded to the Convention on 12 June 1959.
4. Final Protocol to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (New York, 12 March 1950), which entered into force in 1951. The SAR acceded to the Protocol on 12 June 1959.
5. The Slavery Convention signed at Geneva on 25 June 1926, as amended by the Protocol drafted at the Headquarters of the United Nations on 7 July 1953, which entered into force in 1955. The SAR acceded to the Convention and Protocol on 4 August 1954.
6. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Geneva, 7 September 1956), which entered into force on 30 September 1956. The SAR acceded to the Convention on 17 September 1958.
7. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, adopted by General Assembly resolution 45/158 of 18 December 1990. The SAR ratified its accession to the Convention by Decree No. 24 of 10 April 2005.

National legislation

267. The SAR's legislation does not distinguish between citizens and refugees as regards their right to protection from any danger or attempted exploitation, regardless of whether the offender is himself a citizen or a resident in the territory of the SAR.

268. International conventions and agreements to which the SAR has acceded have the force of law, and are deemed to take precedence over domestic legislation in the event of any inconsistency between the two.

Cooperation with non-governmental organizations

269. There is currently no cooperation between the Government of the SAR and NGOs that is expressly dedicated to the issues dealt with in the Protocol as such, but any organization that wishes to work in the territory of the SAR within the context of its law and international agreements in force is welcome to do so, and any assistance that it can provide is eminently acceptable.

270. The Syrian Commission for Family Affairs is seeking cooperation with an organization known as End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) with a view to having its brochures and pamphlets translated into Arabic. SCFA considers that these publications would be a useful means of propagating awareness of the issues of child prostitution and child pornography among children and persons who work with children.

XXX. INTERNATIONAL FINANCIAL ASSISTANCE

Official international organizations

271. UNICEF is providing financial assistance for the preparation of a national plan for the protection of children from violence and training for a national team whose function will be to combat the sexual exploitation of children.

272. UNICEF has also contributed to the organization of the workshops referred to in the preceding paragraphs.

273. In addition, it provided two thirds of the cost of the symposium on protecting children from violence and exploitation.

International non-governmental organizations

274. There is currently no assistance that is expressly dedicated to the implementation of the provisions of the Protocol as such. However, ISPCAN, the International Society for the Prevention of Child Abuse and Neglect, contributed one third of the cost of the symposium on protecting children from violence and exploitation, held from 9-11 December 2004.

XXXI. RELEVANT PROVISIONS OF LAW THAT ARE NOT INCLUDED IN THE PROTOCOL

275. Under SAR law, persons who exploit children sexually or for purposes of prostitution are liable to heavier penalties where the offender is a legitimate or illegitimate ascendant of the minor or is related by marriage to an ascendant of the minor, or who is the minor's de jure or de facto guardian, or who is a servant of any of the said persons. These heavier penalties also apply where the offender is a civil servant, cleric, or the director or a staff member of an employment office and commits the offence by abuse of his authority or the facilities at his disposal by virtue of his office.

276. There can be no doubt that heavier penalties in cases such as these are a positive feature of the law, inasmuch as the exploitation of children is a more heinous crime when the offender is a person who is supposed to protect the children in his care (Penal Code, art. 492).

277. SAR law distinguishes between lewd behaviour and immoral behaviour:

278. Immoral behaviour and lewd behaviour share a single concept, namely the protection of public feeling from injury resulting from an action that does violence to the principles, morals and virtues which people consider should be respected. However, they are to be distinguished with respect to the means employed. Where those means involve acts and deeds, the offence is immoral behaviour. Where the means employed are words, shouting or other forms of expression, such as writing, drawing or the like, the offence is lewd behaviour (Court of Cassation, misdemeanour case No. 1120, decision No. 1423, 28 October 1975).

279. The Court of Cassation has held that the distinction between lewd behaviour and immoral behaviour is to be found in Part 7 of the Penal Code. The criteria are the importance of the act, the nature of the area of the body toward which the act is directed, and the time and place of the act. Where it is directed toward a place that is deemed to be part of the genitalia, which people desire to keep concealed and spare no effort to safeguard, the act is deemed to be more than lewd behaviour, but rather constitutes immoral behaviour, as for example an act committed by a person against another in a way that is shameful or injurious to his or her modesty or dignity for the purpose of gratifying the offender's desire (Court of Cassation, felony case No. 1341, decision No. 1374, 14 December 1981).

Notes

¹ 2004 Compendium of Statistics, published by the Central Bureau of Statistics.

² Id.

³ Id.

⁴ Id.
