

April 2021

## Rights of The Children

### Between Law and Reality

More than ten years passed since the beginning of Arab Spring, which brought with it wind of change for the exclusive totalitarian regime. Recalling what happens in Tunisia and Egypt, as some of children in Deraa governorate wrote on their school walls. This action resulted in arresting and harassing them through security authorities. Despite intermediary interventions to eliminate justice. Actually, this action was the spark of the Syrian revolution carrying freedom and dignity slogan to get rid of the exclusive totalitarian regime in Syria.



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## Between Law and Reality

2021

Issued by the Information Management Unit of  
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 Legal Expert Team.

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Avec la  
participation de

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**MINISTÈRE  
DE L'EUROPE  
ET DES AFFAIRES  
ÉTRANGÈRES**

*Liberté  
Égalité  
Fraternité*

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# Rights Of The Children

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2021

### - Introduction -

More than ten years passed since the beginning of Arab Spring, which brought with it wind of change for the exclusive totalitarian regime. Recalling what happens in Tunisia and Egypt, as some of children in Deraa governorate wrote on their school walls. This action resulted in arresting and harassing them through security authorities. Despite intermediary interventions to eliminate justice. Actually, this action was the spark of the Syrian revolution carrying freedom and dignity slogan to get rid of the exclusive totalitarian regime in Syria.

The Syrian children bear the consequences of that change. After the event of the school children, the regime resisted the peaceful struggle using oppression and murder. The victims started to fall without differentiation oppressing every child, adult, woman, and men. The first victims were children, as we all remember Hagar and Hussein and many others.

As a result of oppression, the Syrian regime dragged the country into an internal armed conflict, that resulted in the displacement of half of the Syrians, and death and arrest of the hundreds of thousands. The country experienced a widespread destruction. During destruction campaign, the regime aircrafts and bombs did not distinguish between school, hospital, or even house. The victims varied with the diversity of the Syrian people of all ages and sexes.

The country entered a long period of conflict, where the religious, national, and other radical movements appeared. That lead to diversified international intervention to turn Syria into the greatest tragedy the world had witnessed since the second world war.

As in any conflict, the vulnerable groups paid the price especially children, who were deprived from their right to health, education, security, and care during war years.

To identify the state of children in Syria and its effect during years of conflict, the people had to stand on the extent of the fundamental rights availability within the regions outside the regime control. A questionnaire was conducted in various areas that was divided based on its ruling power.

In order to understand the gap suffered by the Syrian children within the area outside the regime control, reviewing the rights of the children had to conducted based on the international covenants and charters and the Syrian law. Thus, reviewing the extent of the children's access to their rights within focus areas reaching the related conclusions and recommendations.

This study is the product of a collaborative effort of the Information Management Unit (IMU) of the Assistance Coordination Unit (ACU) and legal experts within the framework of the legal platform.

ACU and the legal platform's experts would like to express sincere gratitude and appreciation to the French Ministry of Foreign Affairs (MoFA|MEAE) which funded this study aiming at promoting human rights values to improve the well-being of the Syrians residing in NS.

# Chapter One

## Methodology

### Methodology

#### 1. Assessment Tools:

IMU, in coordination with the experts of the legal platform, developed the main indicators of the study. The questionnaires were developed according to two perception surveys, one with children, while the other with caregivers.

#### 2. Assessment Sample:

The assessment was conducted within 64 sub-districts affiliated with 21 districts in the governorates of Idlib, Aleppo, Ar-Raqqa, Al-Hasakeh and Deir-ez-Zor, and all cities and towns covered by the assessment are outside the control of the regime forces. The study included perception surveys with children and with caregivers.

##### ▪ Perception surveys with children:

These perception surveys were conducted with children aged between 18-16 years old, and included information about students' access to school and their drop out from school in order to work. These perception surveys further present information about the treatment the child receives at home, school and work.

Table(1): Survey sample with children KIs

Governorate	District	Subdistrict	Community	No. of surveys
Idlib	4	17	63	302
Al-Hasakeh	4	15	43	115
Ar-raqqa	3	6	42	100
Aleppo	7	21	93	274
Deir-ez-Zor	3	5	25	79
<b>Total</b>	<b>21</b>	<b>64</b>	<b>266</b>	<b>870</b>

IMU enumerators conducted 870 perception surveys with children in 266 cities and towns. cities and towns that reflect the general situation were selected. The surveys were conducted with most of the age groups of children, males and females, including both children who are originally from the area and with those displaced as well.

##### ▪ Perception surveys with caregivers:

This questionnaire was conducted with the caregivers and included information about the psychological and health status of children, the treatment they receive at home and outside their homes, in addition to the extent of the caregivers' knowledge of the rights of the child.

Table(2): Survey sample of caregiver KIs

Governorate	District	Subdistrict	Community	No. of surveys
Idlib	4	17	62	243
Al-Hasakeh	4	15	44	82
Ar-raqqa	3	6	32	53
Aleppo	7	21	92	185
Deir-ez-Zor	3	5	26	68
<b>Total</b>	<b>21</b>	<b>64</b>	<b>256</b>	<b>631</b>



IMU enumerators conducted 631 perception surveys with caregivers in 256 cities and towns. Cities and towns that reflect the general situation were selected. Questionnaires were conducted with male and female caregivers and covered persons who are originally from these areas.

Data of the report are displayed according to 3 geographical areas:

- **Idleb Governorate:** It represents all cities and towns outside the regime's control in Idleb governorate; in addition to the cities and towns outside the regime's control in the western countryside of Aleppo within Atareb and Daret Azza sub-districts. This geographical area is under the control of the opposition; And within this geographical area the so-called Salvation government exists.
- **Northern Aleppo, Ar-Raqqa, and Al-Hasakeh:** these cities and towns represent the districts of Afrin, A'zaz, Al Bab and Jarablus affiliated with Aleppo governorate. In addition to cities and towns in Tell Abiad and Suluk sub-districts affiliated with Ar-Raqqa governorate; Ras Al Ain sub-district of affiliated with Al-Hasakeh governorate. This geographical area is under the control of the Turkish-backed opposition; Within this geographical area, the interim government exists represented by the local councils and departments affiliated with it.
- **Eastern Syria:** It represents all cities and towns outside the control of the regime and under the control of the so-called SDF forces in the governorates of Ar-Raqqa, Al-Hasakeh and Deir-ez-Zor; Within this geographical area SDF-affiliated government exists.

### **3. Enumerators Training and Data Collection:**

IMU has a network of 100 enumerators trained to administer the questionnaires for the data collection. The enumerators training lasted for 1 day and was conducted online via Skype for Business. The enumerators received a total of 5 hours of training. The training sessions were recorded and sent to the enumerators to be a reference in case they needed to recall any of the information presented during the training. The training included a two-day test period for piloting. The enumerators' feedback was collected after the piloting phase, and some points were modified in the questionnaire based on that feedback. One or more enumerators were assigned to collect data according to the size of the population of each assessed sub-district. The coordinators based in Turkey Office, provided organizational oversight and daily support to the enumerators during the data collection process, where the enumerators referred to them in case they encountered any problem. Each enumerator received a work plan from the network coordinators stipulating the coverage of their data collection.

### **4. Data Management, Analysis and Report Preparation**

The enumerators filled the questionnaires electronically using ONA program. Coordinators, who were responsible for research oversight encoded the data into an Excel database. Data analysis team proceeded with data cleaning and validation to find and correct any odd or missing values or complete them in conjunction with the data collection. After data cleaning, IMU data analysis team proceeded with data visualization, generating tables, and graphs. Tools such as Dax, Query Editor, Arc GIS, Adobe Illustrator, Adobe InDesign and Adobe Photoshop were used to generate a visual interpretation of the collected data. The first draft of the report was written in Arabic by the experts of the legal platform and simultaneously translated into English. Both versions of the report (Arabic - English) have been subjected to quality assurance standards in the preparation and content internally and externally.

# Chapter Two

## Children Right In Law



Under the terms of the four Geneva Conventions of 1949, children are protected in the same way as are «all persons taking no active part in the hostilities.» The Fourth Geneva Convention provides that, during both international and non-international armed conflicts, all civilians, children being thereby included



## Children Right In Law

### FIRST: CHILDREN RIGHT IN INTERNATIONAL LAW

Since the beginning of the international covenants and charters, it focused on the children as they are a vulnerable group to be protected in the war and peace time. Children rights addressed various covenants and charters. The most important are:

1. **Declaration of the Rights of the Child of 1924 - Geneva**<sup>1</sup>: It refers to the early start of the international concerns in children rights. This declaration stipulates the need to establish conditions enables the children to grow normally financially and spiritually. It also stipulates the need to feed and treat children in addition to other essential rights.
2. **Universal Declaration of Human Rights of 1948**<sup>2</sup>: This declaration stated the essential rights of human. It also addressed children right to be born free and equal and the right to dignity and rights. Also, all the children have the right to enjoy security and the right to health, education, and to have personal documents.
3. **Fourth Geneva Convention of 1949**: The convention reports on protection during conflicts. It also stated two types of children protection, first the general protection considering the children are of the civilians, second the special protection of the children due to their vulnerability and need to be protected<sup>3</sup>.
4. **Declaration of the Rights of the Child of 1959**: The declaration consists of four human rights assurance principles as follows: the right to name, nationality, family to care, emotional and physical security, social security, food, shelter, play, medical services, free and mandatory education, and protection from neglect, cruelty, exploitation, racial and religious discrimination, and other kinds of discrimination<sup>4</sup>.
5. **The two international covenants**: The international covenant on civil and political rights and the international covenant on economic, social, and cultural rights issued in 1966. The international covenant on civil and political rights stipulated the inadmissibility of death sentence on children. It also stipulates the application of special procedures in case of committing any crimes, preserving the household, and giving the priority to the children in this relationship in addition to the right to nationality<sup>5</sup>.

Regarding the international covenant on economic, social, and cultural rights, it addressed the necessity of protecting mother prenatal and post-natal through protecting her child, the necessity of conducting special procedures to protect children without discrimination, and providing medical care, education, nationality, and other rights for children<sup>6</sup>.

6. **Convention on the Rights of the Child and the two optional protocols**: It is a convention relating to the rights of the children which was issued in 1989. It was followed by two optional protocols in 2000. The first was issued to prevent selling children and prostitution of children. The second to prevent the involvement of children in the armed conflicts. In 2011, the third optional protocol regarding submitting complaints mechanism and establishing communication mechanism was issued. The commission on the Rights of the Child of the United Nations was established. The commission consists of independent experts, which monitor the implementation of the Convention on the Rights of the Child and the attached optional protocols<sup>7</sup>.

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1. Declaration of the Rights of the Child of 1924 <http://hrlibrary.umn.edu/arab/child1924.html>  
 2. Universal Declaration of Human Rights <https://qrqo.page.link/YLHba>  
 3. Fourth Geneva Convention <https://www.icrc.org/ar/doc/resources/documents/misc/5nsla8.htm>  
 4. Declaration of the Rights of the Child of 1959 <http://hrlibrary.umn.edu/arab/b025.html>  
 5. The international covenant on civil and political rights <http://hrlibrary.umn.edu/arab/b003.html>  
 6. The international covenant on economic, social, and cultural rights <http://hrlibrary.umn.edu/arab/b002.html>  
 7. The Convention on the Rights of the Child <https://www.ohchr.org/ar/professionalinterest/pages/crc.aspx>

The convention placed the welfare of the children above all else, giving priority and preference under all circumstances and aside from other interests. Also, this convention enabled children to enjoy happy childhood, to be protected from all agencies, and owning the rights that secure a happy life for his and society best. It is as follows:

**The most important rights included in the convention based on a study conducted by Syrian center for Legal Studies and Research:**

- **Right to life:** assure the right of the children to existence and live and enjoy growing till reaching adulthood. This right includes protecting the children's life since birth, right to survive, protection to the exposure to death in all circumstances, and not subject to death penalty or torture. In also includes the appropriate means of children's growth of food and medical care.
- **Right to education:** The twenty eighth item stated what ensures children's access to education without discrimination and based on equal opportunities, the children's right to go to school, availability of education for all, mandatory education at the primary level, manage the school system maintaining the children's dignity, rehabilitate the children and develop their hobbies, refine the children's personality, and encourage the spirit of cooperation. Also item 29 stated: the education is directed to developing of children's personality, develop their mental and physical capacities, respect for human rights, basic freedom, and national values to develop the sense of responsibility within the free society, spirit of understanding, tolerance, gender equality, friendship among people, and develop of respect for cultural and language identity and children's values.
- **Right to rest: item 31:** engage in play and arts and cooperate in cultural life.
- **Right to health and food:** ensure children's enjoyment of the highest level of health. All countries must make an effort not to deprive children of medical care based on item 24, maintain the children's physical, mental, and psychological health, acquire special medical care suitable for the vulnerable children's nature and their limited immunity to protect them from diseases, genetic and infectious diseases. It also includes the right to access to food and clean water to prevent infection that travel through food and water and acquiring sufficient food and clean water. Item 27 assured the right of children to an adequate standard of living for mental, physical, spiritual, and emotional growth. Item 28 stated the right of every child to benefit from social assurance and granting of subsidies where necessary. Item 23 includes the rights of mentally or physically disabled children, provide free aids if possible, request for the state parties to cooperate in exchanging appropriate information within the field of care, prevention, medical treatment, psychotherapy of disabled children.
- **Right to nationality:** The seventh item stated the children's right to nationality, so they could enjoy the rights offered by the nationality being an independent entity in addition to the services offered by the country to enjoy all their rights.
- **Right to identity:** The eighth item stated the children's right to identity, name, date of birth, and family enabling them to obtain protection from their families and country, the right to preserve their identity, name, and family relationships. If any child was deprived illegally from some or all identity elements, the state parties has to offer appropriate aid and protection to quickly restore prove of identity.

Avoid separation of the children from their parents only when necessary. In case of separation, the children have the right to maintain personal and direct relation with both of them. in case of absence or prison, the state parties have to offer required information. In case of presence of the parents in different states, children have the right to travel with their families ensured by the country considering the matter in a positive, humanitarian, and quick way. In fact, the constraints are exceptional that relates to national security.

The item 18 confirmed the common responsibility of the parents to raise the children virtuously. The parents have to focus on the children's interest. Also, the countries have to offer aid ensuring the development of children's organizations, facilities, and care services. In case the child was deprived from his family permanently or temporary, the countries have to protect children deprived from their families through offering alternative family or safeguard, or adoption, and children's care organizations if necessary, based on what stated in item 20 and 21.

- **Right to freedom:** item 12 to 16 stated: assuring the enjoyment of children with different kinds of freedom: freedom of thought, freedom of expression, freedom of cluster formation, participate by expressing opinions, everything about the children before courts or his personal life or school, freedom of belief and choosing religion they want, freedom of expression, assuring freedom of expression both in words and writing or arts or any other mean, freedom of cluster formation and peaceful assembly, and to subject to compulsion during his personal life or correspondences.
- **Right to protection:** protecting the rights of the children to health, education, freedom of opinion, protection from harm, protect from harmful psychotropic substances including protecting decisions, legislative decrees, and children's care organizations, and providing a family environment to achieve the best interest of the child.
- **Item 22:** stipulates the protection of the displaced children based on law of acquiring appropriate protection and help to enjoy their rights whether with their parents or with another person.
- **Item 37:** stipulates the children's right to protection from economic exploitation and conduct a dangerous job that prevent them from education or harm their health including physical, mental, emotional, vocational, and social growth. The countries have to take the legislative, administrative, and educational measures that ensure implementing the item through: a. define the minimum age of employment, b. define appropriate system for working hours and conditions, and impose penalties and sanctions to assure item execution.
- **Item 38:** respect the international humanitarian law applied on armed conflicts and commitment of states to protect civilians based its commitment to the international humanitarian law taking all measures to assure the protection of children.

The second part of the convention: addresses the formation of the committee concerned with children's right, its functions, and the relation of the state parties. By the confirmation of this convention, the countries became committed to protecting children and assuring their rights, as they take the responsibility to the international community<sup>8</sup>.

7. **Agreements related to children's rights:** Additional agreements related to children's rights was issued including:

United Nations Standard Minimum Rules for the Management of Juveniles (Beijing rules)<sup>9</sup>.

ILO Convention on the Worst Forms of Child Labour<sup>10</sup>.

Security council resolutions regarding children's protection including resolution no. 1261 of 1999 that denounce targeting children in armed conflict cases accompanying maiming of children, sexual violence, forced displacement, recruitment of children, and attacking areas attended by children such as schools.

Following the certification of the resolution (1379) 2001, Secretary-General of the security council recommended the provision of armed conflicts parties that resort to recruitment of children. The security council request in his resolution (1460) 2003 from those parties to design tangible and time-limited action plan and execute it to stop all abuses committed against children. Action plans stipulating mechanism aim at involving parties in the steps that meet their fulfillment towards children.

8. Syrian center for Legal Studies and Research <https://sl-center.org/?p=1294>

9. United Nations Standard Minimum Rules for the Management of Juveniles <https://www.ohchr.org/AR/ProfessionalInterest/Pages/BeijingRules.aspx>

10. ILO Convention on the Worst Forms of Child Labour of 1999 <https://qrqo.page.link/PjEYz>

The certification of resolution (1612) 2005 formed another benchmark which established monitor and report mechanism and team concerned with children and armed forces by the security council. Information collection resulted in grave violations of children's rights, as the basis for well-targeted measures directed at aggressors of preventive and deterrent effect<sup>11</sup>.

In august 2000, the security council certified the resolution no. 1314 which is the second resolution regarding children and the armed conflict establishing main lines to protect children affected from war being a follow-up to the resolution 1261 of 1999.

As well as guiding principles for the internal displacement of the children. Those principles showed the related standards providing protection against arbitrary displacement, protection, and aid during displacement, return, resettlement, and reintegration. These principles also pay particular attention to internally displaced children. The general assembly and human rights committee requested from the representative of the general assembly to use those principles during his conversation with the governments<sup>12</sup>.

Throughout those agreements and international documents, we find that the international community gave a special priority to children to protect them and secure access to their rights. These rights were enhanced through war time and inadmissibility of considering war a reason for restricting children's rights.+



11. About the security council resolution related to children – security council website <https://qrqo.page.link/oX3NE>  
12. The guiding principles of internal displacement <http://hrlibrary.umn.edu/arab/IDP-guiding.html>

### SECOND: CHILDREN'S RIGHTS IN THE SYRIAN LAW

Despite the talk about children's rights draft law in Syria for a long period, though this project still needs to be created. Thus, there is not any law concerned with children's rights. But on the other hand, Syria certified children's rights convention, therefore it is obliged to execute its items.

Regarding the legal provisions of children's rights, the Syrian constitution stipulated in item -1" 20 the family is the core of the society, as the law preserves its entity and strengthen its ties. -2 the country protects and encourage marriage, operates on removing financial and social obstacles, and cares for rising generation providing appropriate conditions for developing their talents."

Also, the item 29 stipulated the right to education "-1 education is the right guaranteed by the state. It is free at all levels and the law governs paid education in the universities and government institutes. -2 education is mandatory up to the end of the primary stage. The government work on extending the mandatory education to further stages<sup>13</sup>.

We also find that talk about children's rights in the delinquent juvenile Law. This law governs juvenile prosecution, as they subject to reform and care measures. This law also stipulates that arrest be isolated from adults in special institutions for reforming juvenile. The law also stipulates that upon the detention of juvenile, the court has to order to check juvenile by ta doctor. Also, the guardian has to recruit a lawyer and secret trial is conducted in the presence of the juvenile, the lawful guardianship, and his proxy<sup>14</sup>.

With regard to child labor, the Syrian labor law stipulates prohibiting the employment of juvenile before completion of the stage of basic education or completing the twenty-fifth year whichever is more. The law also prohibited the employment of juvenile for more than six hours daily<sup>15</sup>.

The Syrian also addressed the children's right to access to citizenship and legal personality. The Syrian citizenship law stipulates that children are considered to be Syrian if his both parents were Syrians. If the child was attributed legally to his father or was born in Syria has no right to access to citizenship as he his parents are foreigners<sup>16</sup>.

Despite the gap in the Syrian citizenship law which unequal men and women before the authority granting the nationality, though it gave the chance that child born in Syria remain without a citizenship.

Also, personal law talks about children's rights within the family in addition to custody, expenses, and others. The civil code addresses step for obtaining children the legal personality through issuing birth certificate and affiliation to his parents.

Despite the availability of various item talk about the children's rights, though there is a gap between the text and execution. This gap is absence of rule of law, encroaching the security branch of the executive power on other authorities. That lead to various children's rights violation. Suffice it to mention that despite the existence of law provisions talk about juvenile prosecution and prescribe strict controls to protect them. but at the same time, security authorities do not distinguish between child and adult regarding arbitrary detention, enforced disappearance, torture, and murder illegally.

We can point that military field tribunal could prosecute children unlike all covenants and laws.

13. The Syrian constitution of 2012.

14. The delinquent juvenile Syrian Law <https://arabruloflaw.org/files/legaldatabase/Laws/Syria/Doc01.pdf>

15. The Syrian labor law no. 17 of 2010 <https://learningpartnership.org/sites/default/files/resources/pdfs/Syria-Labor-Law-2010-Arabic.pdf>

16. The Syrian citizenship law promulgated by Legislative Decree no. 276 of 1969 [https://menarights.org/sites/default/files/11-2016/SYR\\_NationalAct1969\\_AR.pdf](https://menarights.org/sites/default/files/11-2016/SYR_NationalAct1969_AR.pdf)

# Chapter Three

## The children's rights reality in the areas outside the regime control





## The Children's Rights Reality in the areas outside the regime control

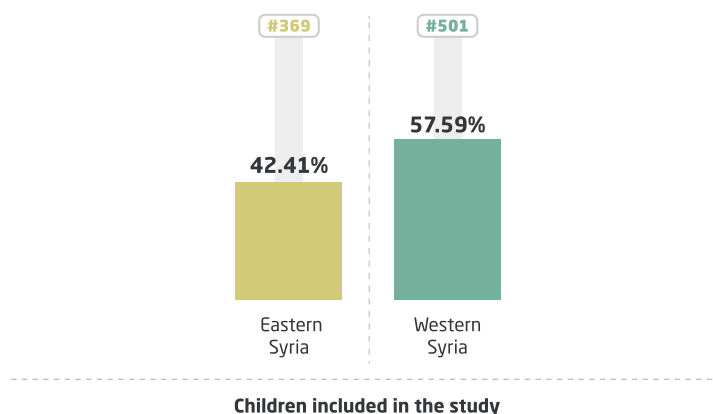
All the Syrian were affected by the conflict ten years ago. This conflict did not take into account the children's rights paying a fat price including murder, arrest, displacement, and deprivation of the most fundamental rights. By the relative stability in some areas and the formation of de facto power to manager some areas outside the Syrian regime control, does this power take into account the rights of the children. Is there any obligation as required by the international law and the need to protect and childcare?

To learn the reality on children's rights, a questionnaire was conducted including areas outside the regime control in east and west of Syria. The eastern areas involved so called Syrian Democratic Forces (SDF) areas in each of Al-Kasha, Deir Al-Zur, Al-Riqqa, and eats of Aleppo. While the western areas involved salvation government area in Idlib governorate and interim governorate in the north and west of Aleppo in addition to the area between ra's Al-Ein and Tall Abyied.

The questionnaire was conducted on children and adult based on the following rates:

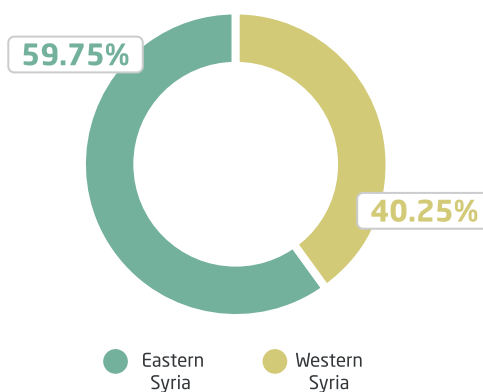
The questionnaire includes 870 children distributed as follows:

Figure (1) Children included in the study



The questionnaire also includes 631 of adults that were distributed based on the following shape:

Figure (2) Adults included in the study

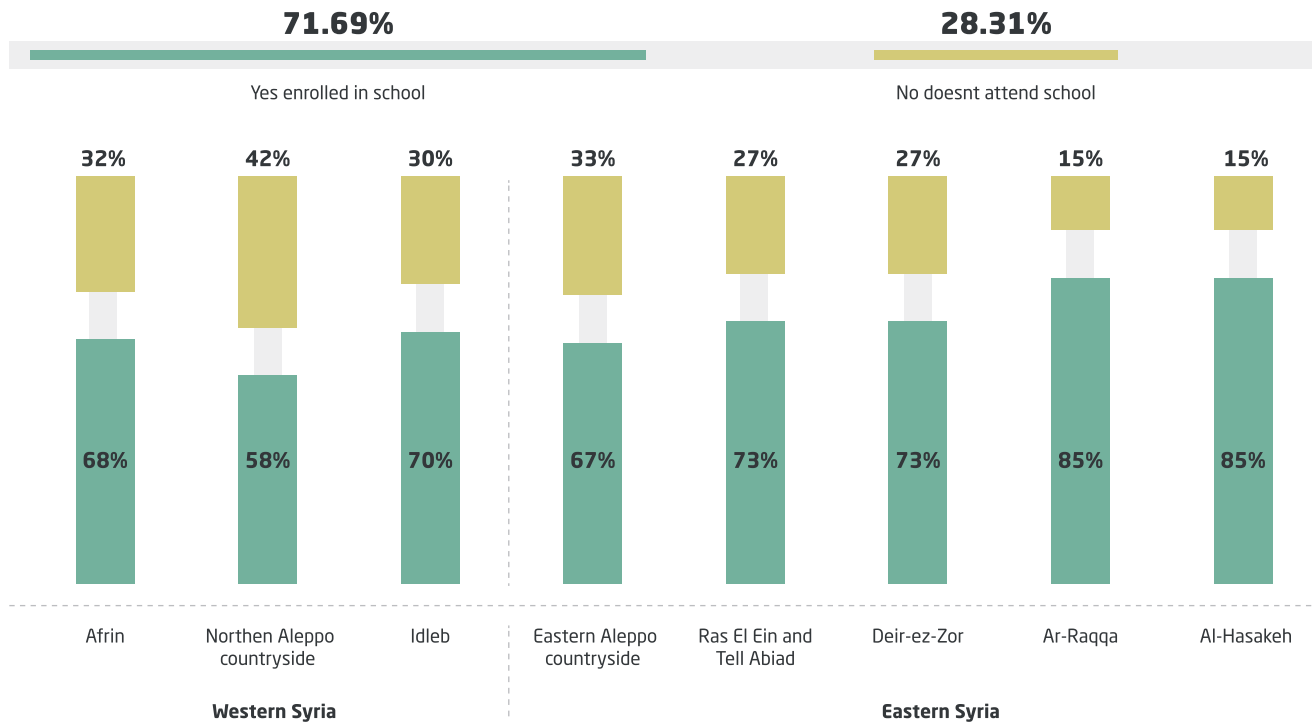


This questionnaire identified the key indicators regarding the children's rights. Based on this questionnaire, the available open sources regarding the children's rights, the international rights certification, and children's rights law, we can measure the gaps reaching the related recommendations.

## FIRST: RIGHT TO EDUCATION

Through asking children about the extent of right to education access. The rates were as follows:

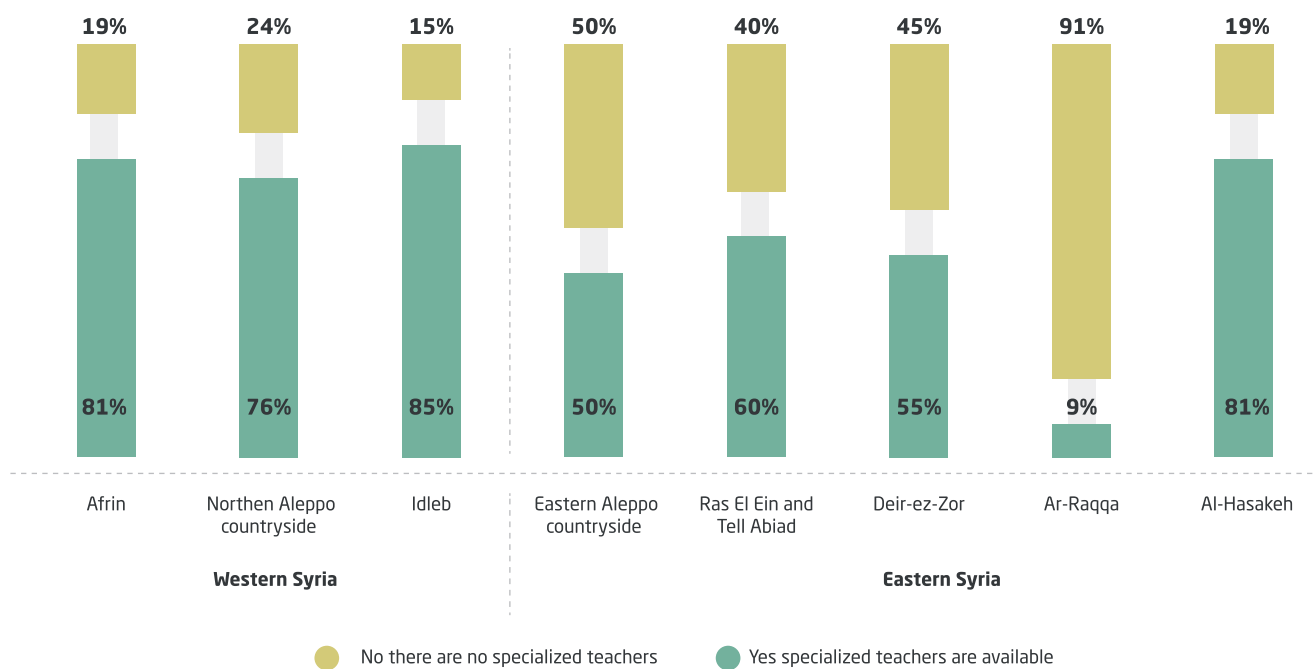
Figure (3) School enrollment by district



Based on those two indicators, we find that more than one quarter of the children are not enrolled in schools. We also find that within the percentages of power areas, the percent of the dropouts in the areas of the interim government are higher threefold increase than the areas of (SDF).

**Regarding the availability of specialized teachers in schools, the results was as follows:**

Figure (4) Availability of specialized teachers in schools according to the district

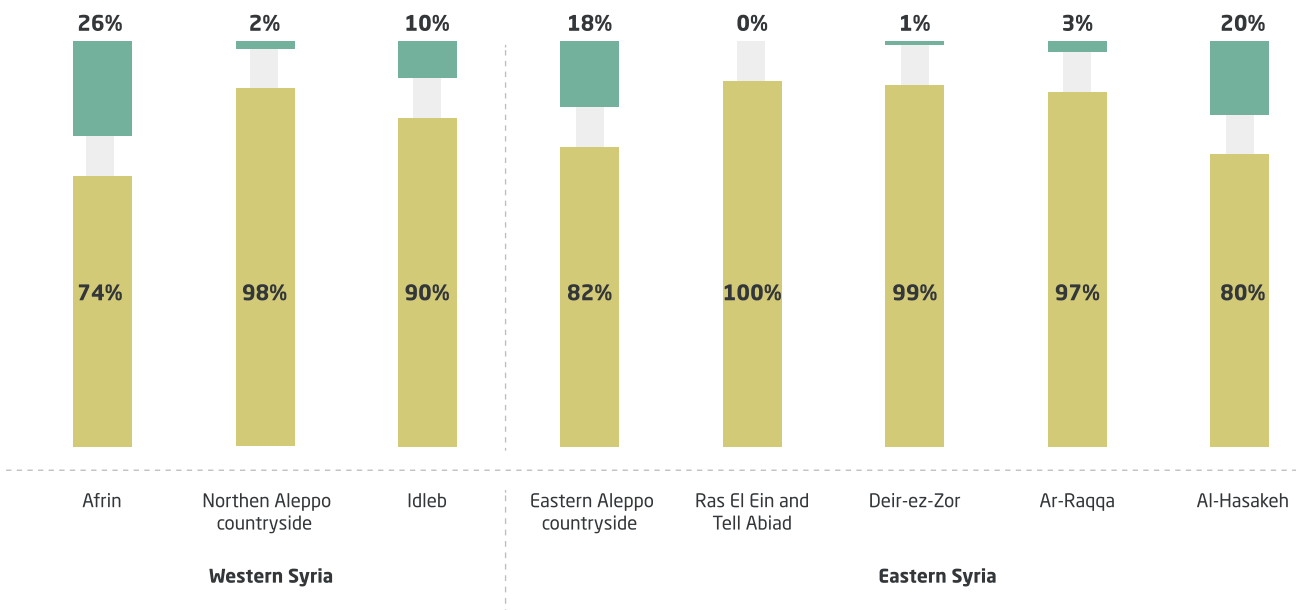


The chart of enrolled students shows that the availability of specialized teachers percent was nearly %70 while this percent decreased in the areas of so-called SDF and increased in Idlib.

Figure (5) Compulsory education application.



Figure (6) The application of compulsory education according to the district.



The percent that exceed %90 shows that there is not any mandatory education policy execution. It also shows that all powers within different areas do not executed the policy of mandatory education.

Accordingly, we find that the right to education is undefended and there are no mandatory education policies implemented by the de facto powers. Also, there is a wide gap of lack of specified teachers.



## SECOND: RIGHT TO HEALTH AND FOOD

No doubt the war and displaced highly affected the economic resources and health services. This impacts upon the right of children to access health and food. Some indicators of that right showed that:

Figure (7) Meals eaten during the day

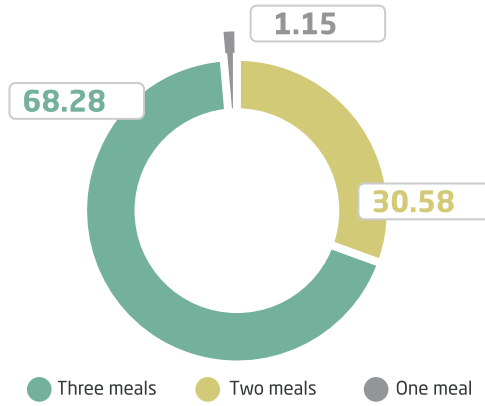


Figure (8) The meals eaten during the day according to the district.

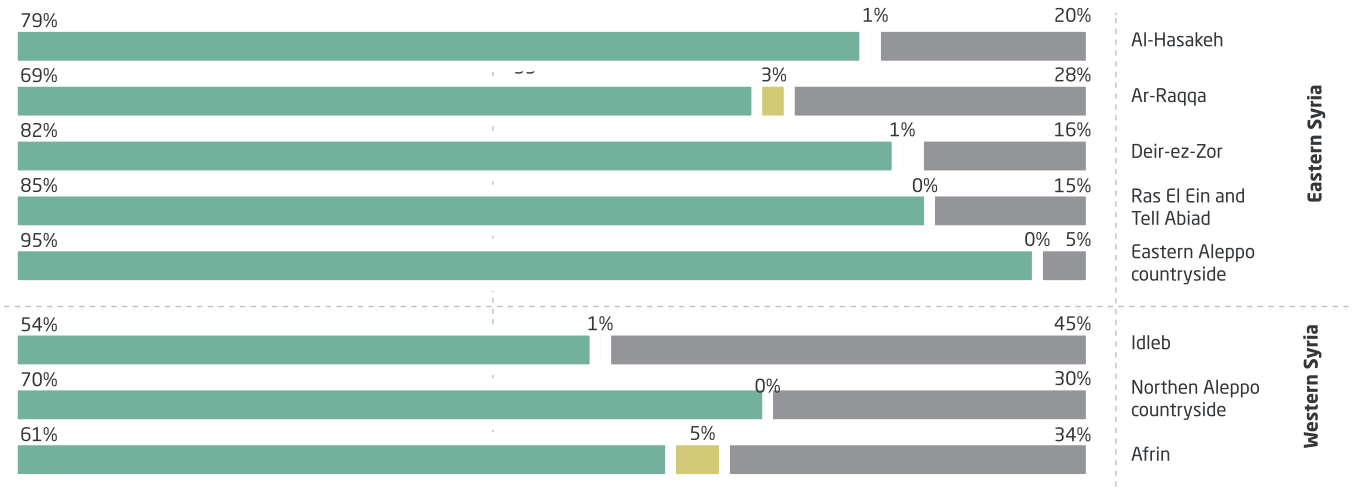


Figure (9) The child visiting the pediatric medical center in the event of abnormal symptoms.

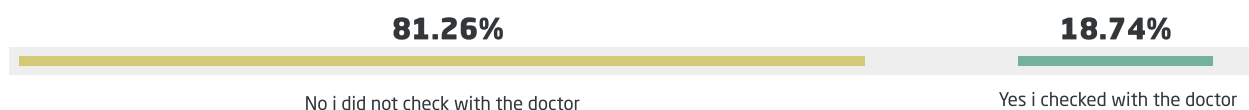


Figure (10) The child visiting the pediatric medical center in the event that abnormal symptoms appear according to the district.

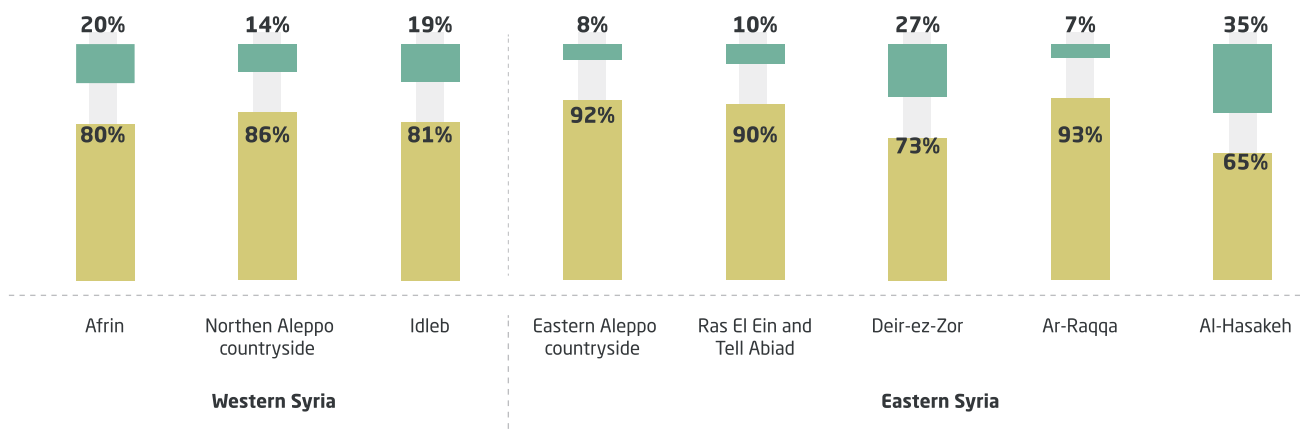


Figure (11) Provides free pediatric medicine for children

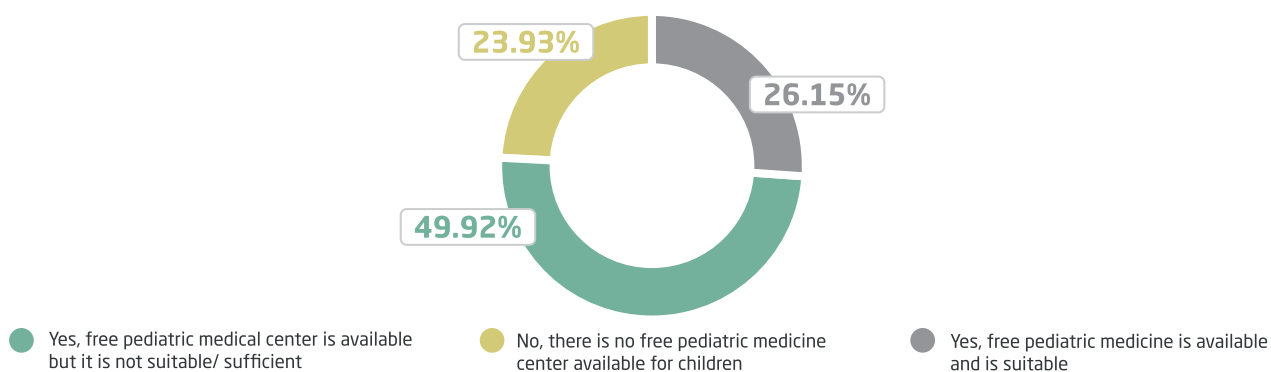
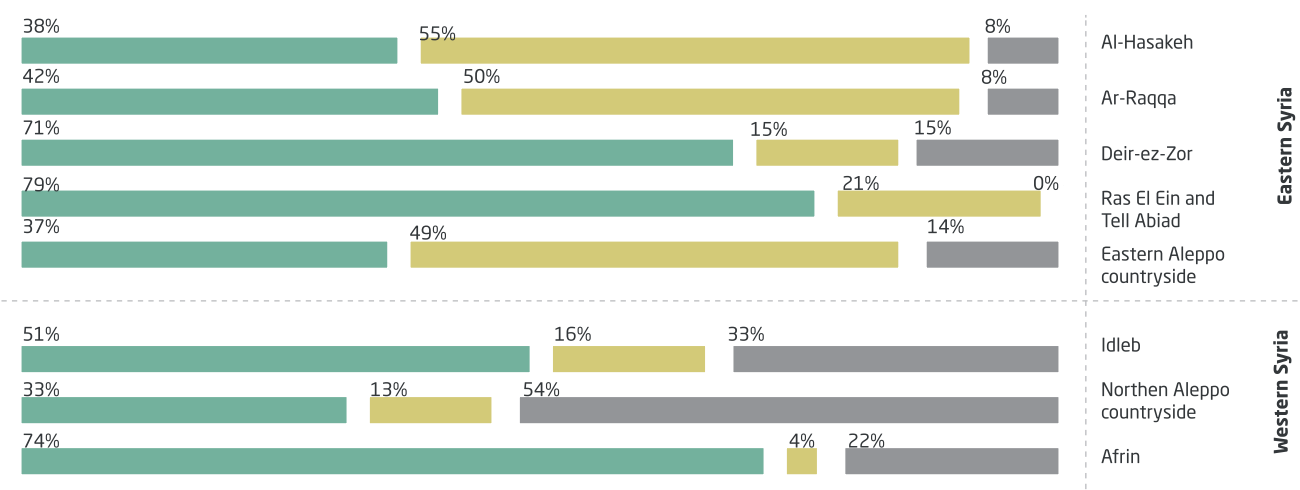


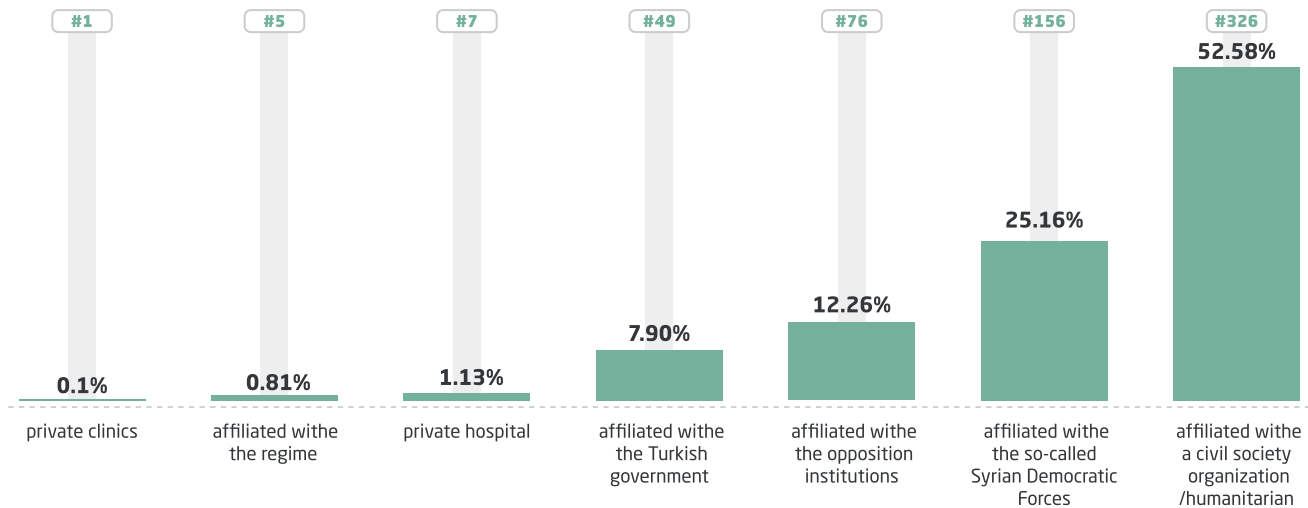
Figure (12) It provides free pediatric medical center for children according to the district.



Based on previously mentioned, there is acute shortage of free medical services for children. Percentages vary reaching nearly half of SDF areas.

Also, the most important agencies providing medical services in those areas proved to be of civil society organization, as the percent exceeds %50.

Figure (13) affiliation of the health system



Drawing from these indicators, there is a gap related to right of the children to health, as the free availability affects receiving the children medical services. We also noticed that decline of de facto powers role against the role of civil society organizations that attempt to fill the organizational gap through offering medical services.

### THIRD: RIGHT TO CARE AND SECURITY

Among the rights approved by the international covenants the right of the children to care and security, and maybe this right one of the most rights the children deprived from as a result of war and accompanying absence of medical providers as well as the displacement and accompanying absence of care aspects.

When asked if the children of the same town they live in, showed that more than %40 of them outside the town. We found that the percentages highly increased in displacement areas in Idlib and Aleppo that reached %70

Figure (14) the location of the participants of the study

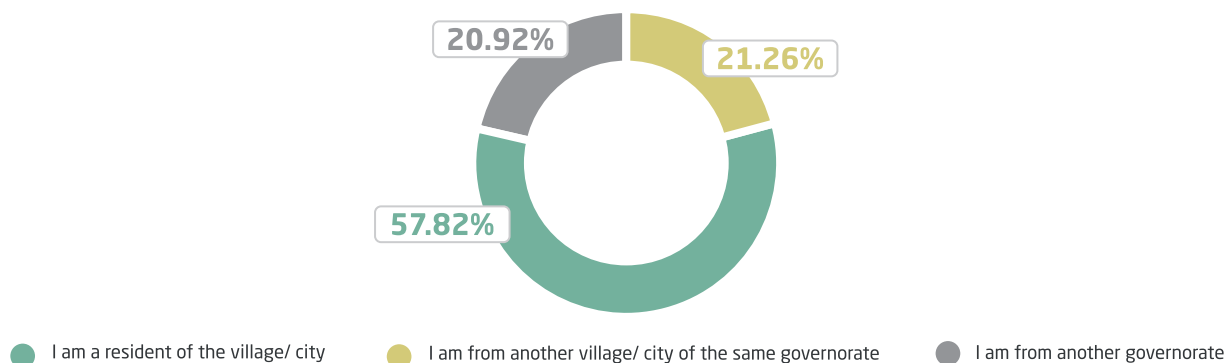
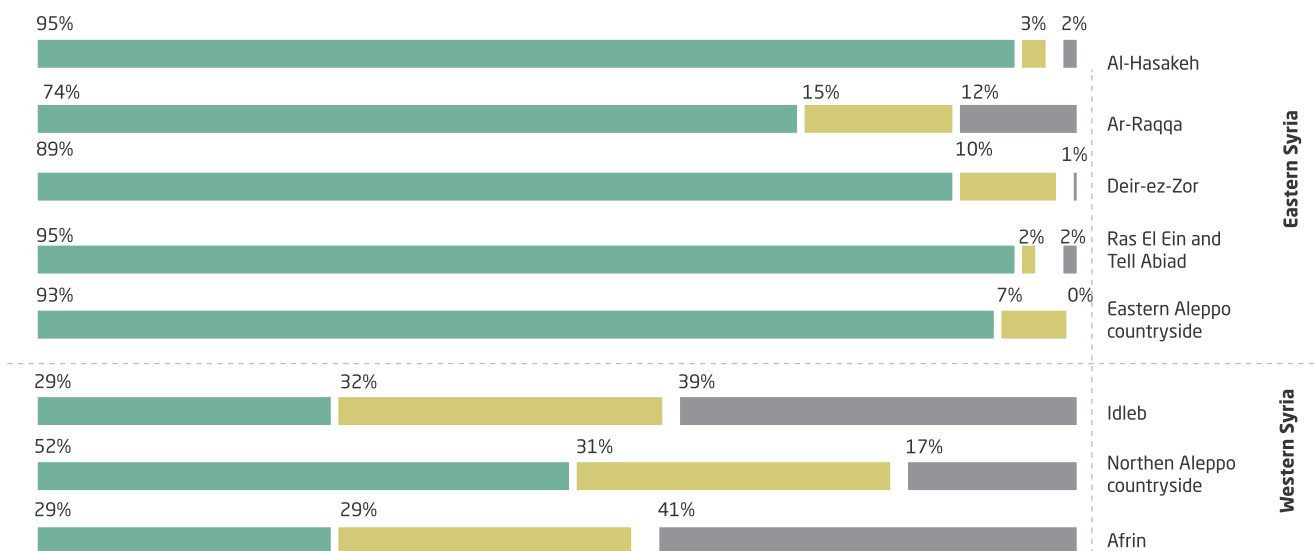
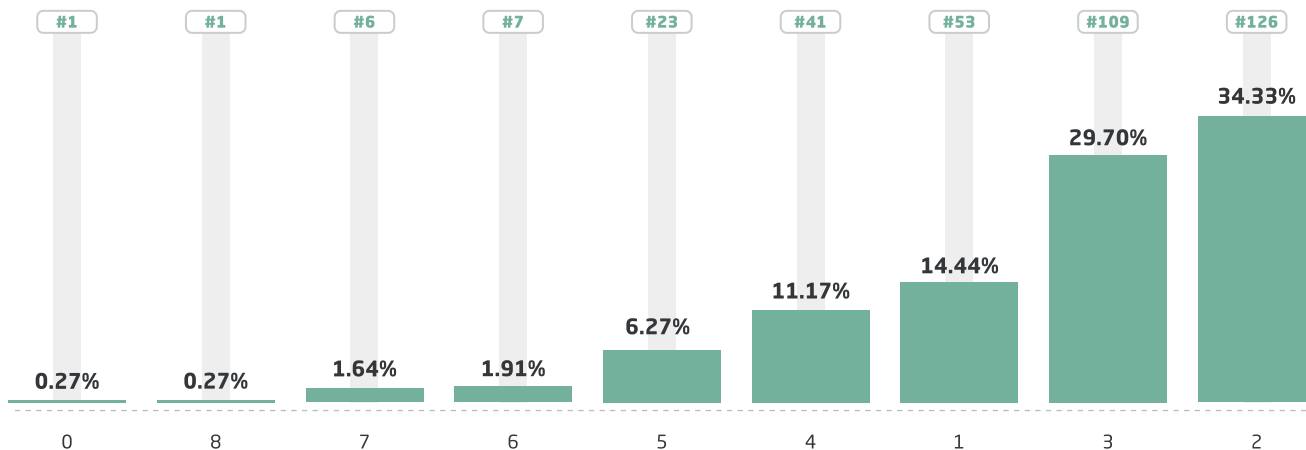


Figure (15) The location of the participants of the study according to the district



In addition, the effect of the war on the death of the breadwinner especially the father. The charts showed that one quarter of the children under study lost their parents. We also noticed the significant difference between father and mother loss.

Figure (16) Number of times of displacement the displaced child was forced to





## FOURTH: RIGHT TO IDENTITY

One of the rights established for children since they were born, the right to have an official birth certificate and acquire official documents. But due to those areas get out of regime control, the official state organizations stopped working. This resulted in a wide gap that alternative organizations tried to fill.

Unfortunately, those organizations could not fill the gap of state organizations, especially that the offered documents are not considered official documents because they are issued from de facto powers and not by official organizations.

The following charts showed the gap of accessing to official documents:

Figure (17) The status of orphan children

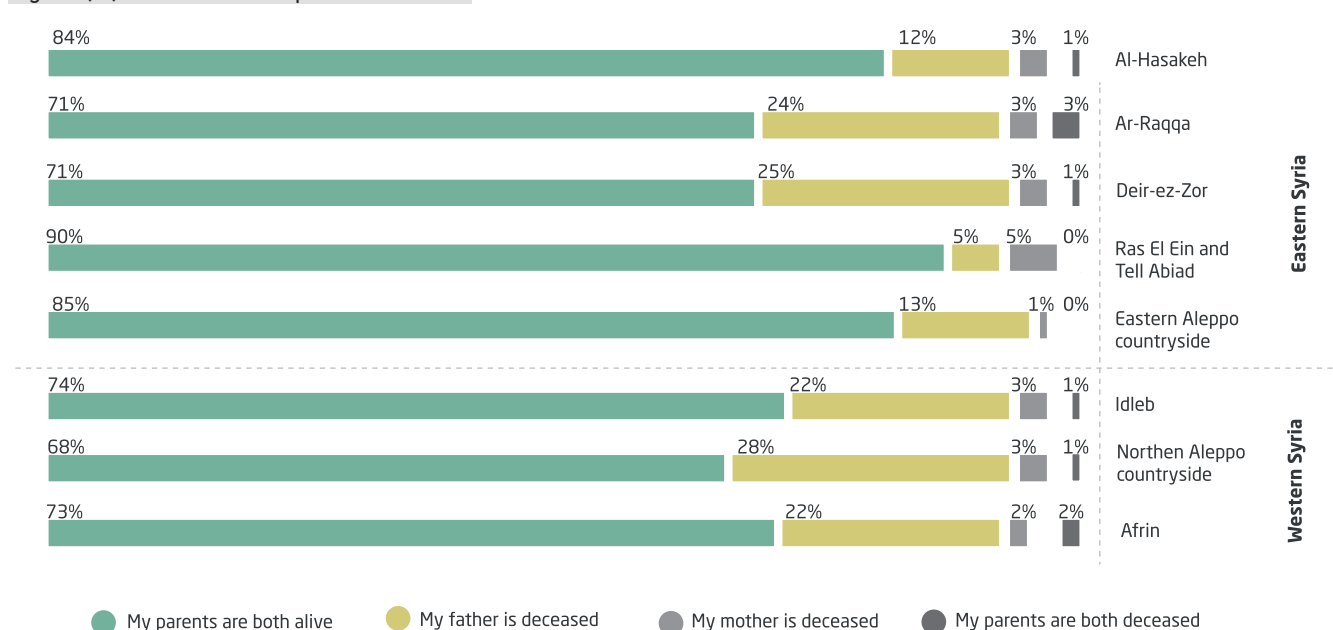
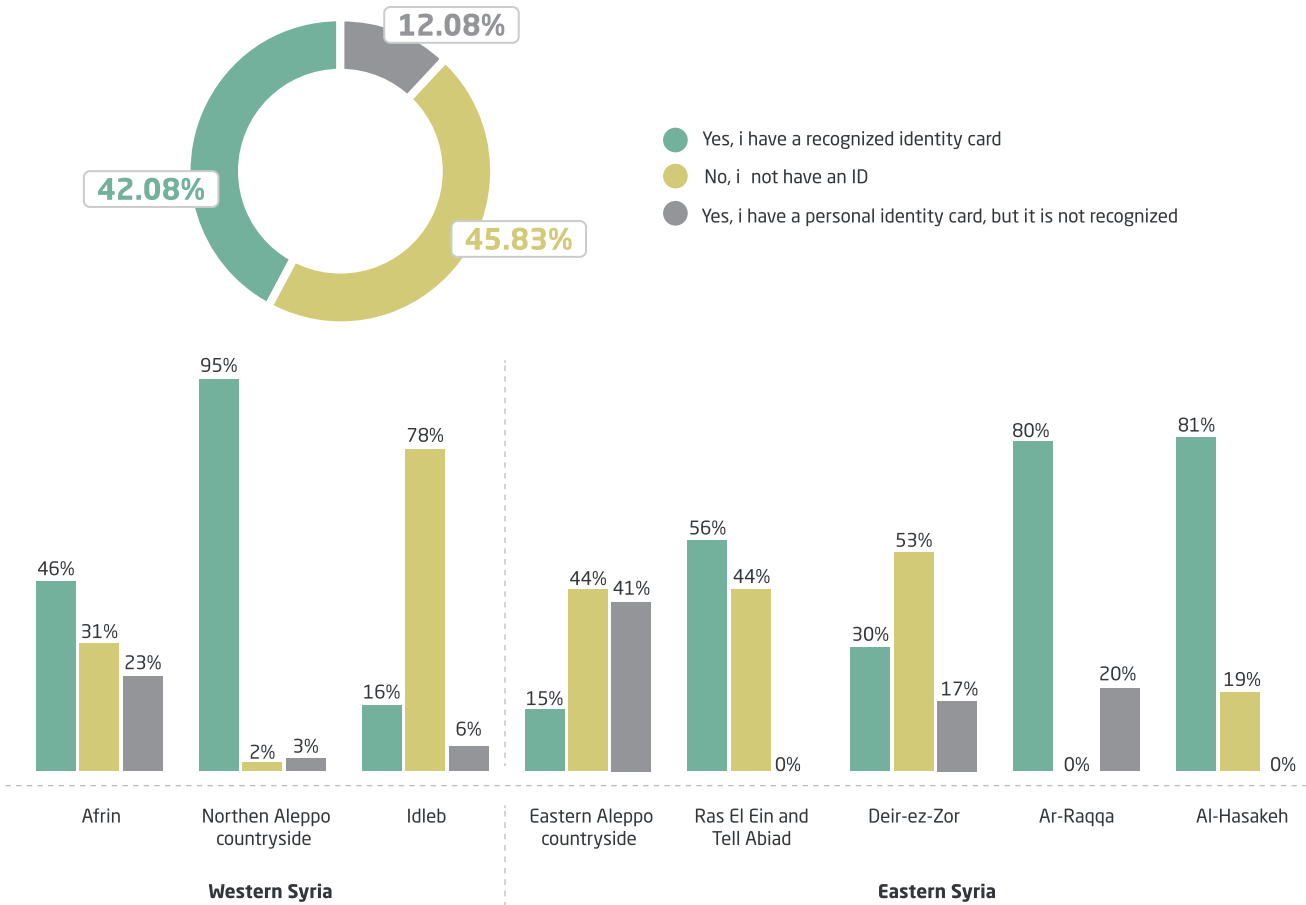


Figure (18) Having a personal identity card according to the district



In the chart, we noticed the variation in accessing authorized documents within self-management areas, interim government, and rescue government. This is because the possibility to access authorized documents by the children in self-management, as the state organizations still working in Al-Kamishly. This situation could be explained by the capacity of accessing their parents to regime areas differ from area to another. No doubt, lack of official documents for children affect all their rights whether it is related to right to identity and citizenship or spillover effect into other rights currently and in the future.



## FIFTH: PROTECT CHILDREN FROM ECONOMIC EXPLOITATION

The international documents and the Syrian law stipulate protection of children from economic exploitation, necessity of a minimum age of the child age involved in work and defining working hours and its type. Actually, those restrictions are hard to provide during wartime and absence of organizations concerned with children's rights. In the effort to understand the situation of child Labour in targeted areas. Working children were questioned, the answers were as follows:

Figure (19) Child labor according to the district

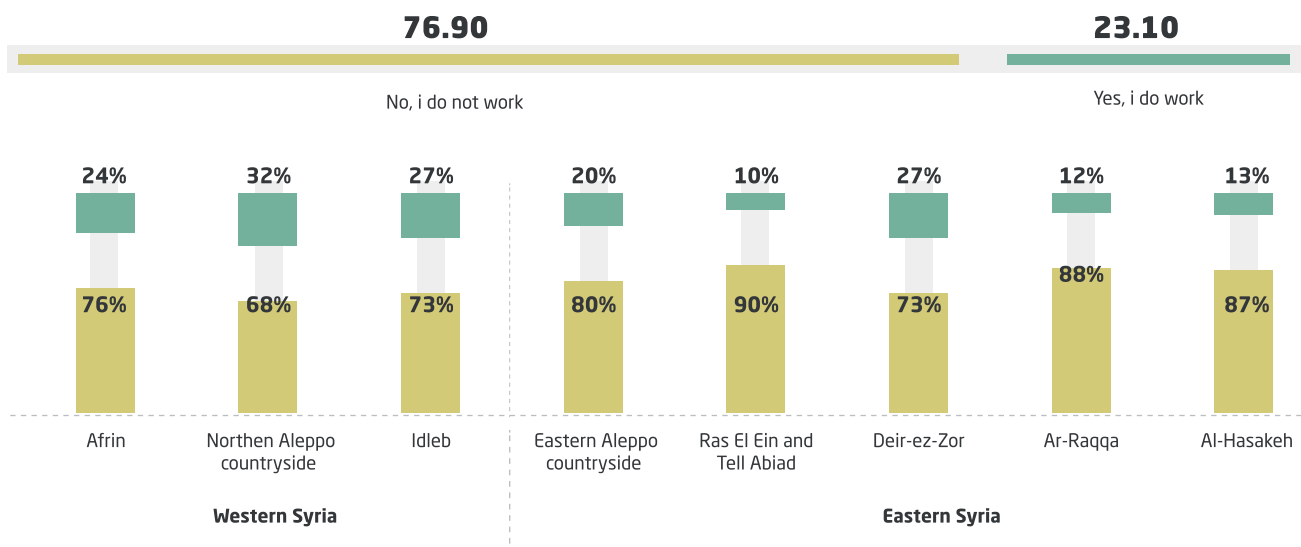


Figure (20) Motives for child labor

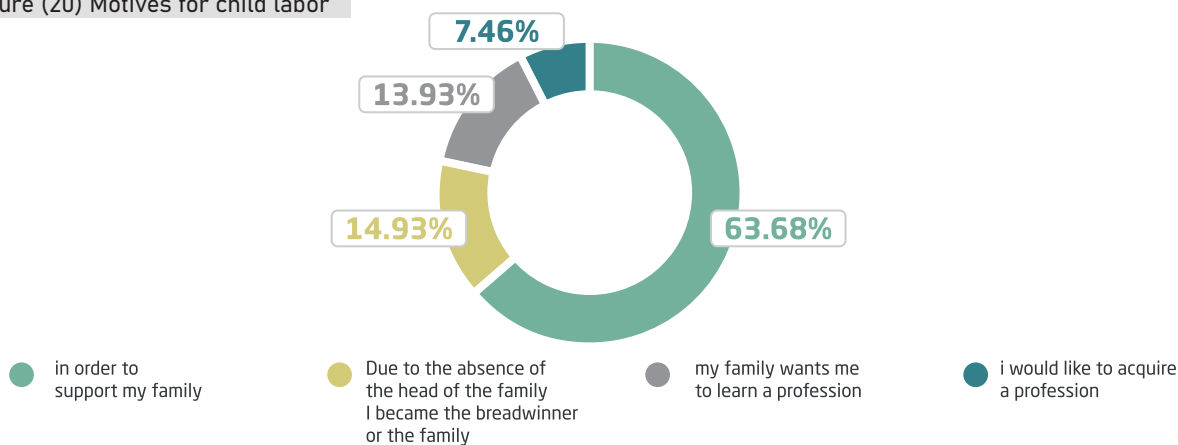
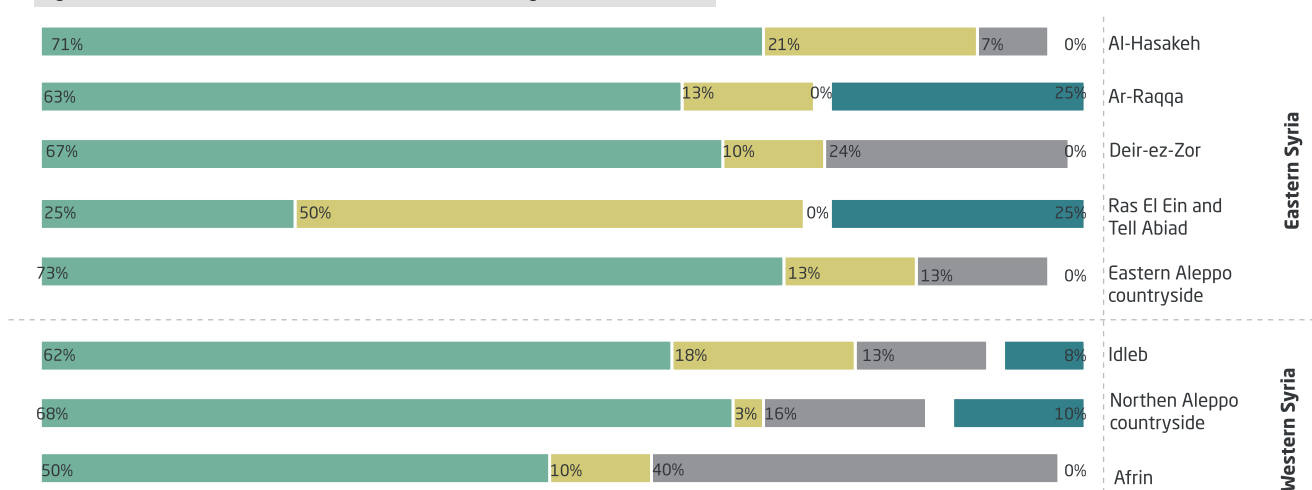
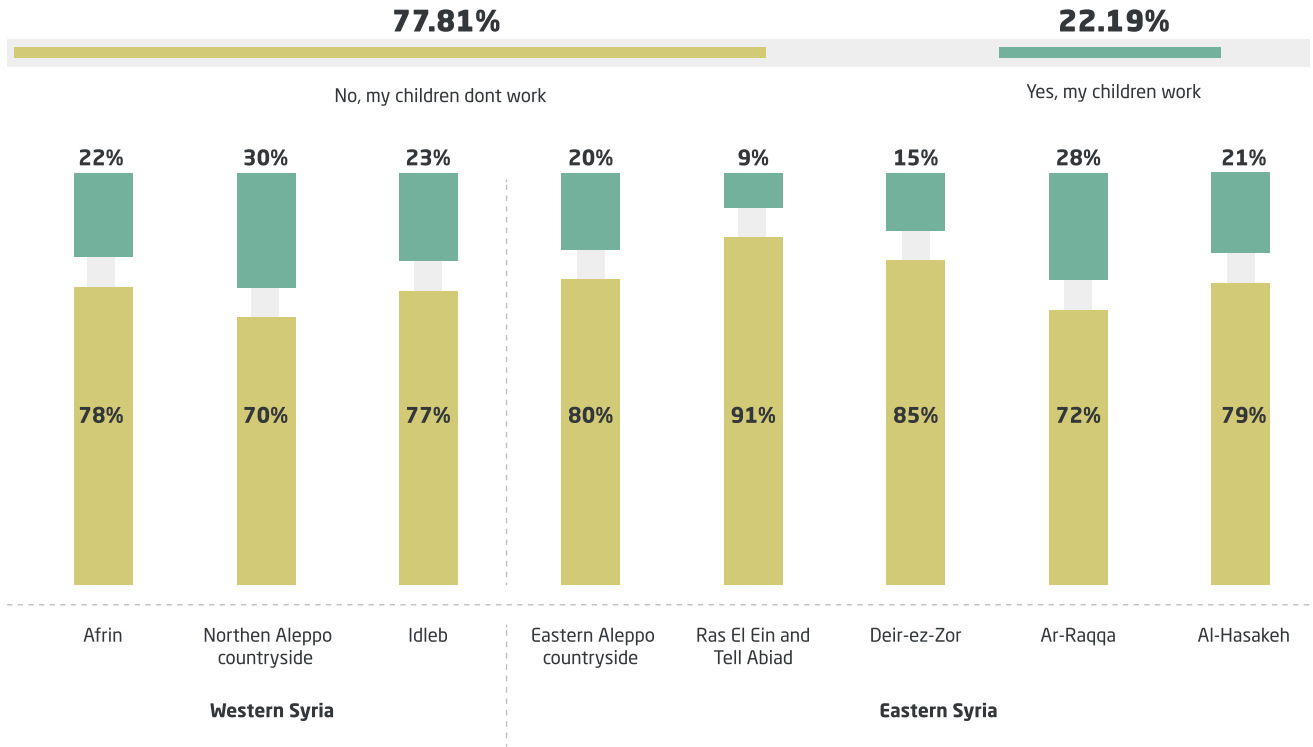


Figure (21) The motives of child labor according to the district



When we asked the parents about child Labour, the parameters were as follows:

Figure (22) Parents' responses about their children's work, according to the district



Those percentages were nearly equal the percentages of children's answers.

About the children involved in work in terms of age or gender, the parents' answers were as follows:

Figure (23) Parent's responses about their children's work

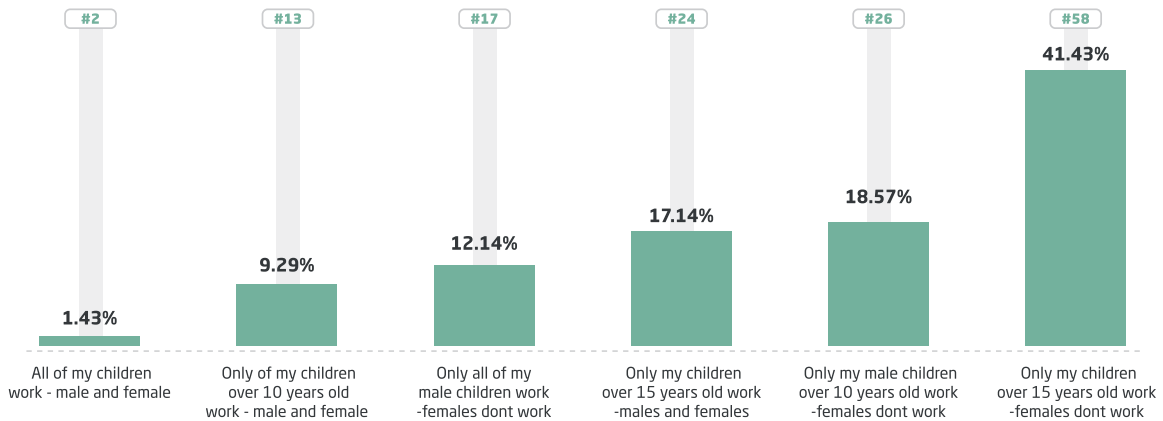
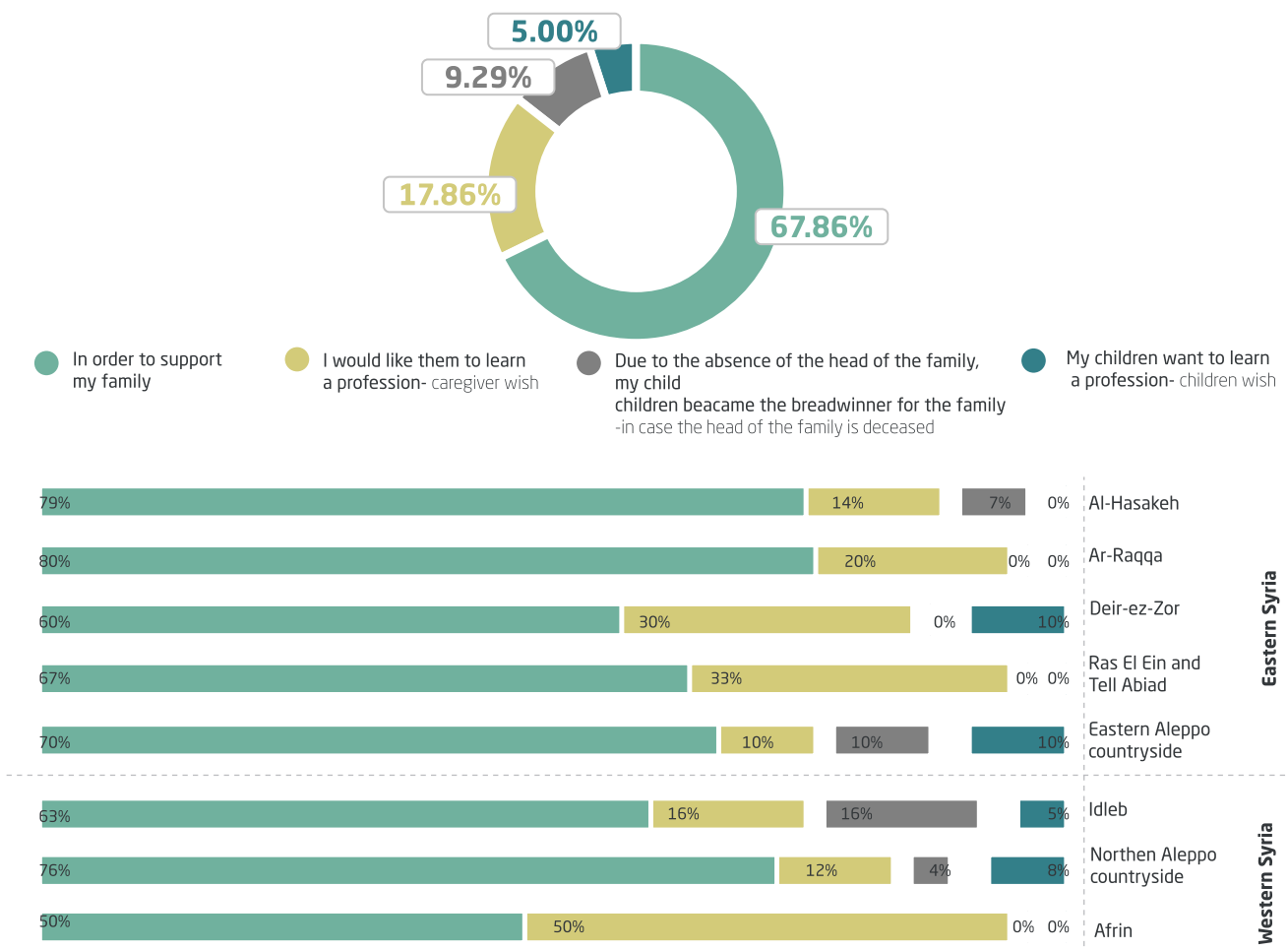


Figure (24) Parent's responses about the motivations for their children's work, according to the district



Based on previous charts, the main reason for child Labour is the economic situation and absence of the organizations that care for children. On the other hand, child Labour implies risks in the absence of oversight organizations placing the children to work does not fit with their age or possibility to encounter exploitation, harassment, and beat.

# Chapter Four

## Children's Rights Between The Reality And The Reasons



## Children's Rights Between The Reality And The Reasons

Based on rights indicators illustrated in the questionnaire and other established rights, based on reality experienced by the area outside regime control, and compared to binding rights of the children, we could define various gaps related to children's rights, most notably:

1. **Right to life:** This right is not respected, as the indiscriminate attacks of regime forces still persists. Those attacks do not differentiate between civilian and soldier or child and adult. This right also includes right to grow in a safe environment. This matter is not available adequately in the absence of organizations concerned with children.
2. **Right to education:** The international convention recognized the right to children to education, even the binding nature of the basic stage. Obligation lay with the state about it. Due to the absence of the country, inadequate engagement by de facto powers to the children right to education, recurrent displacement, bombing the schools, poor infrastructure, absence of security, and lack of human and material resources. All the previously mentioned aspects led to gaps in accessing the children to education. Despite several attempts of the organizations fill with void, especially civil society organizations concerned with education. However, there is a gap that must be filled.
3. **Right to health and food:** The health system was affected by conflict, whether the breakdown of the infrastructure due to bombing the hospitals and medical services or due to lack of human and material resources. The conflict led to the migration of a large proportion of doctors and health professions, that led to organizations concerned with health weakness and absence of medical insurance system. Also, the economic situation and lack of job opportunities affected accessing food sufficient to children.

There are significant efforts related to this sector done by the civil society organizations. But it remained powerless to fill the gap requiring the combination of local and international efforts to ensure accessing children to health and food. Tremendous efforts to provide vaccine for all children in all areas were exerted.

4. **Right to identity and citizenship:** It is considered one of the most important rights, as it establishes providing legal personality to the child and makes him enjoy his civil and political rights. Actually, official organizations of the Syrian state entrusted with providing this right, but its policy became a punishment tool for opponents. They made those services inaccessible, as these organizations work in regime areas thus opponents cannot access this service fearing of security concerns.

Despite the availability of alternative organizations at de facto powers that document birth offering certificates. Still these documents unofficial, thus the challenge still exists requiring the international intervention to access children to this right.

5. **Right to care and protection:** The right to live in a safe environment in a caring family that secures their rights. But conflict conditions, losing the breadwinner in many cases due to murder, invisibility, and detention, recurrent displacement, absence of infrastructure, and large portion living in camps, affected in the children's right to care and protection.

This would require everyone intervention to fill the gap regarding this right specially children who lost their breadwinner noting the absence of comprehensive system of care of orphans and the absence of organizations concerned with childcare.

- 6. Right to protection from economic exploitation:** Children's right to enjoy their childhood away from exploitation and work that does not fit their structure and does not impede education. but, the economic reality in those areas preclude protecting children from economic exploitation especially when the breadwinner is absent as many of children turn to the breadwinner frequently.

That would take providing job opportunities for children in the age of fifteen to eighteen commensurate with their situation within conditions and parameters correspond to international covenants. Also, there is necessity of the presence of organizations oversee the children and protect them from economic exploitation accompanied by crimes such as harassment or violence or others.

On the whole those rights indivisible, as the absence of human rights culture from a large section of Syrians which reflects on children rights. The providing of required standards during conflict is very difficult which requires collaborative efforts between local parties, de facto governments, and international organizations to improve the reality of children in the areas out of regime control and find overseeing mechanism.





## Conclusion

All the Syrians suffered including children from the absence of the rights for many decades due to totalitarian regime devoted single-party power and single person, abolished political pluralism, and deviated from its natural role to fall into the orbit of the regime and its service on account of the main role of citizen service.

The sufferings regarding rights increased during the years of conflict as a result of repression and brutal treatment by security authorities and army to suppress peaceful demonstrators, and escalation in violations during the conflict to turn towns and villages including children to destroy any opponents. As a result of rights culture that de facto powers did not adhere to. Those powers were always rights violation tools whether children or adults. In the absence of the real role of local governments as it remains pro forma away from executive power under the security chaos, spread of weapons, and war culture.

Actually, children's rights cannot be under political and military conflict and cannot be jammed in any conflict. **The children need safe environment to enjoy their childhood away from any threat.**

## Recommendations

### TO THE INTERNATIONAL SOCIETY AND ORGANIZATION:

- Incensement of efforts to provide aid to conflict areas whether medical or relief or others.
- Every international organization must play its role in childcare, accessing children to education, health, and security.
- Design overseeing mechanism to monitor violation of children's rights.

### TO INTERNATIONAL SOCIETY AND COUNTRIES CONCERNED WITH CONFLICT:

- Accessing to political agreement to end the conflict and stop indiscriminate attacks affecting children and their infrastructure.
- Releasing child prisoners arrested by the regime or other parties.
- Accessing people official documents.
- Pressure on de facto powers to prevent any violations against children.

### TO THE CONSTITUTIONAL COMMISSION:

- Include children's rights in any constitutional context ensuring all the rights of the children.
- Assuring that the international agreements be binding to the Syrian legislator and a rank higher than law.

### TO THE DE FACTO GOVERNMENTS:

- Stop any violation against children and abide to international standards of children's rights.
- Establish committees and authorities concerned with overseeing children's rights.
- Include children's rights within educational curriculum.

### TO CIVIL SOCIETY ORGANIZATIONS:

- Cooperate to access children to their rights.
- Assist in establishing children's homes for orphans.
- Spread the awareness of children's rights within the communities.

### TO ALL THE SYRIANS:

- Need to children's rights teaching, understand these needs, and secure it.
- Get away from violent education because it causes harm to child and community.
- Care for family as it is the incubator of the child and understand that any harm come to the family will affect child.

# Rights Of The Children

Between Law and Reality

**2021**



April 2021

# Rights of The Children

## Between Law and Reality



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