Child Rights Besieged in
the Middle East

Brief Report

Brief Report of the Side Event to the 27th session of the Human Rights Council "Child Rights Besieged in the Middle East"
**Date and Venue**

22 September 2014, 13:00 – 15:00, Palais des Nations, Room XI

**Organisers**

Defence for Children International (DCI)

**Sponsors**

Permanent Mission on Slovenia

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**Objective**

Discuss the situation of children in conflict zones, particularly the Middle East.

In particular: How to prevent further child rights violations: working towards peace & justice.

**Panelists**

- SUSAN BISSELL, Associate Director, Child Protection, UNICEF
- HATEM KOTRANE, United Nations Committee on the Rights of the Child
- SURAINA KHAILAI, Defence for Children International (DCI) – Palestine
- RUBA TAYYIB, Jordanian Women Union Association / DCI Jordan

**Moderator**

JYOTI SANGHERA, Chief, Human Rights and Economic and Social Issues Section, Research and Right to Development Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)

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*The content of this report does not necessarily reflect the individual positions of the organizations represented.*
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I. INTRODUCTION

During the 27th session of the United Nations Human Rights Council (UNHRC), a side event was held on “Child Rights Besieged in the Middle East,” organized by the Defence for Children International (DCI).

Key panel speakers participating in the event, included: Ms. Susan Bissell, Associate Director of Child Protection with UNICEF; Ms. Sukaina Khalawi, Defence for Children International Palestine (DCI-Palestine); Ms. Ruba Taybeh, Jordanian Women Union Association and Defence for Children Jordan (DCI-Jordan); Mr. Hatem Kotrane, United Nations Committee on the Rights of the Child. The event was moderated by Ms. Jyoti Sanghera, Chief, Human Rights and Economic and Social Issues Section, Research and the Right to Development Division, Office of the United Nations High Commissioner for Human Rights (OHCHR).

The main objectives of the event included:

• Discussion around the situation of Children in conflict zones, particularly the Middle East.

• How to prevent further child rights violations: working towards peace and justice.

Ten million and eight hundred thousand people in Syria are in need of humanitarian assistance, 2.9 million of them are internally displaced and now refugees. Millions of children across the region are affected by the conflict in Syria and an estimate by the UN predicts there will be 3.5 million Syrian refugees by the end of the year.

The ongoing Syrian conflict and resulting refugees’ crisis are set to become the worst humanitarian disaster of our time, and have generated serious protection concerns for Syrians, particularly children. Systematic violations of violence against children by use of weaponry and military tactics are illegal and are causing crimes against humanity. Other violations identified by UNICEF during a child protection service visit to the Syrian conflict are targeted sexual violence against children of both genders, abductions, denial of humanitarian access, destruction of schools, separation within families, child labor and trafficking.

“The one human phenomenon that binds us all, regardless of class, race, and gender, is child advocacy, and protecting children from violence.” (Susan Bissel, Child Protection, UNICEF Speaker at Child Rights Besieged in the Middle East Side Event)

The report of the Secretary-General on children and armed conflict concerning the Syrian Arab Republic (S/2014/31, dated 27 January 2014 and covering the period from 1 March 2011 to 15 November 2013), highlights that the ongoing conflict in the Syrian Arab Republic has an alarming impact on children. The report underlines the use of weaponry and military tactics that are disproportionate and indiscriminate by Government forces and associated militias, resulting in countless killings and the maiming of children, including the obstruction of their access to education and health services. Government forces have also been responsible for the arrest, arbitrary detention, ill treatment and torture of children. Armed opposition groups have been responsible for the recruitment and use of children both in combat and support roles, as well as
for conducting military operations, including using terror tactics, in civilian-populated areas, leading to civilian casualties, including children. All parties to the conflict have seriously hampered the delivery of humanitarian assistance in areas most affected by the conflict, in particular across conflict lines, including besieged areas. Children have experienced a high level of distress as a result of witnessing the killing and injuring of members of their families and peers, or of being separated from their family and/or displaced.

II. BACKGROUND

- Defence for Children International (DCI)

DCI is an international nongovernmental organization that has been promoting and protecting children's rights globally for the last 35 years. Established in 1979 - International Year of the Child – DCI was initially involved in the drafting of the UN Convention on the Rights of the Child (CRC). DCI is represented through its national sections and associated members in over 45 countries worldwide (in Africa, the Middle East, Asia, the Pacific, Latin America and Europe), which perform specific programs to promote and protect the human rights of children. DCI’s International Secretariat (DCI-IS) is based in Geneva, Switzerland and focuses on advocacy within the international human rights arena. Of particular interest to DCI is the issue of justice for children, which it works on at an international level and through its various national sections.

III. OVERVIEW

Children’s rights were formally recognized by the international community through the adoption of the UN Convention on the Rights of the Child (CRC) in 1989. The CRC contains a comprehensive set of economic, social and cultural rights, as well as civil and political rights, which are considered to be universal, indivisible and interdependent. Four general principles underpin the CRC: non-discrimination; the best interests of the child; the right to life, survival and development; and the right for children to have their views heard and given due weight in all decisions affecting them. Despite the fact that only a few provisions of the CRC relate specifically to armed conflict, all of its provisions apply to children during conflict.

Under article 38 of the CRC, States are required to “respect and to ensure respect for the rules of international humanitarian law applicable during times of armed conflicts which are relevant to the child” (principally: the four Geneva Conventions, the first two additional protocols to the Geneva Conventions of June 1977, and customary international humanitarian law) and to “take all feasible measures to ensure protection and care of children affected by an armed conflict”.

In addition to the aforementioned Conventions, the Rome Statute of the International Criminal Court (ICC), International Labour Organization (ILO) Convention No.182 and the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict provide a substantive legal and normative framework to protect children affected by armed conflict. For example, the Optional Protocol raised the minimum age for direct participation in hostilities to 18 years for State forces and prohibited the forced or compulsory recruitment of those under 18 years into national armed forces. It explicitly prohibits non-State
armed groups from both recruiting and using persons under 18. Apart from the Rome Statute of the ICC, Syria has ratified all of the aforementioned instruments.

While the existing standards are clear and concise, the picture continues to be very grim when it comes to their application. The human rights of millions of children around the world continue to be violated in numerous and brutal ways, with Syria being one of the most flagrant examples. Time has come to move to an “era of application” of the existing international protection framework.

IV. PANEL DISCUSSION

In her address, Ms. Susan Bissell, Child Protection Special Representative of UNICEF, expressed great concern for the surviving children pointing out the psychological impact of the conflict on their lives. She noted that child justice systems globally are in great distress and require immediate attention by the international community. Tangible progress has been made, through support from The Jordanian Women Union Association, on attempting to create open dialogue platforms to strength community resilience and engage in protection advocacy to keep women and children safe, while limiting the effects of the crisis. Bissell stated however that cases of maltreated; detained and tortured children from both sides of the conflict had been reported on numerous occasions. She further cited other challenges encountered on the field: trafficking, forced early marriage, sexual violence, and the disintegration of school systems.

Further difficulties have been encountered when monitoring and reporting on the situation on the ground due to the presence of armed groups, factions within the opposition, foreign elements with radical aspirations, and shifting alliance among them. The Secretary General’s first report on children in armed conflict in Syria (S/2014/31), states that grave violations were committed against children throughout that period by government forces and government-associated militia. This problem has continued to worsen as the conflict has continued. Both the government of Syria and opposition groups were listed for recurrent attacks on schools and hospitals, leaving, as dated in the March report, 2.4 million Syrian children out of school. Statistical numbers were not given on the increase in Syrian Children in the September report due to difficulty with monitoring ground activity, but the UN and UNICEF estimates another significant portion evacuating the country and existing school system by the end of the year. Most school buildings are damaged, destroyed, or serving as shelters to armed groups. Ms. Bissel sees a task for state members of the Human Rights Council (HRC) to press all players on the ground to ensure that progress is being made. She expressed her deepest concern also for children who had been arrested and kept in detention, maimed and recruited, or mistreated and tortured having been suspected of cooperating with the opposite side in the conflict. She described that the psychosocial well-being of all children had been affected by conflict.

Although certain progress has been achieved on the field, it was stated that more continuing support was needed from the Syrian government in impartial screening of the situation of
children, and particularly in ensuring that no violations of human rights have been committed.

Ms. Sukiana Khalawi, of Defence for Children International (DCI) - Palestine, raised the issue of the denial of humanitarian rights and fundamental human rights due to the conflict in Syria. She specifically emphasized the lack of clean drinking water and other basic health services that are being denied on the basis of the conflict. In her report findings, in the past 51 days of the latest Gaza conflict, children have been the most psychologically traumatized and affected, which is a statistically large percentage, as they represent half of Gaza’s population (with the population being an estimated 1.8 million people). Her report detailed that eight out of ten children are being killed on a daily basis during the conflict and 1,100 have become orphans in the last 51 days. Other reported issues include the bombing of schools and hospitals, furthering the denial of their fundamental human rights.

Ms. Khalawi highlighted the compelling need for further advocacy and capacity building, of both the international community and local civil society organizations, to protect children. In the besieged areas humanitarian access is non-existent and should become a priority in order for the situation to be improved. In congruent with Ms. Bissell’s earlier statements, Ms. Khalawi mentioned the importance of recognizing the psychological impact this conflict has had on the children and Gaza and the importance of recognizing the damaging effects of post-traumatic stress disorder (PTSD) that will be felt long after the conflict has resolved.

Ms. Ruba Taybeh, of the Jordanian Women’s Union (JWU) – associate member of Defence for Children International (DCI) - Jordan, raised the issue of Syrian refugees and education as she reiterated the increasing complexity of the situation since the beginning of the crisis. In a field study conducted by JWU through the visitation of refugee homes, by the age of 13 years old, most kids were no longer in schools or had not been in them for a long time. In a past report by JWU (March 2014), over half a million Syrian refugees have been registered in Jordan, 53 percent of whom are children, and 25 percent placed in camps. It was stated that 30,000 refugee children face difficulties in attending school, mostly due to the lengthy registration process with the UN High Commissioner for Refugees (HCR). This was further proved by the field study recently carried out by JWU on the increasing numbers of children lacking education. In their field study, JWU observed that most of the grandmothers in families were young, which meant they were married young themselves and had children at a young age. In refugee camps, JWU worked on addressing the rising problems with early marriages for girls and child labor due to the failure of the education system. Concerning early marriage, she cited a number of cases where women who had been married outside of the formal legal system.
To combat the growing tensions between Syrians and Jordanians due to the increase of refugees, JWU has begun creating child friendly spaces for Syrian and Jordanians children to spend time together and learn about one another. They have also hosted sessions for Syrian and Jordanian parents to address the problems created through the new changes in the education system with the increase of refugees. Furthermore, social workers in association with JWU, have met with school principles to discuss the effects of immigration on the schools. JWU noted that the education system is facing problems accepting Syrian children into public schools as well as enrolling girls into schools.

Mr. Hatem Kotrane, United Nations Committee on the Rights of the Child, highlighted the issue of domestic law and juvenile justice in Arab countries in regards to children’s rights. According to a report conducted by the UNCRC, all of the Arab states, except Sudan, have ratified the elimination of all forms of discrimination against women. He noted the lack of implementation of these policies in these countries and the importance of notifying the international community of the failure of legal implementation. He also highlighted the challenges with regard the failures of juvenile justice systems in several Arab states, with particular focus on Tunisia, as he is originally from there. He focused on the problems concerning children convicted as adults in courts of law but under the minimum age of criminal responsibility. According to Mr. Hatem Kotrane, the UN Committee on the Rights of the Child will be further investigating the failure of the juvenile justice systems in Arab states and the lack of gender equality implementation.

V. CONCLUSION

The moderator, Ms. Jyoti Sanghera, Chief, Human Rights and Economic and Social Issues Section, Research and Right to Development Division, Office of the United Nations High Commissioner for Human Rights (OHCHR), concludes by noting that the national laws and legislation of certain countries are not compatible with international standards on the rights of the child. Although it remains a challenge to provide a comprehensive overview of the needs and protection risks for all Syrian children, the speakers were able to highlight and draw attention to some issues that need to be urgently addressed. In the following section we draw some conclusions around the objectives of this side-event which are to provide an overview of the main needs, challenges, recommendations and gaps in responses to the situation of Syrian children affected by the conflict. In the coming months, relevant and interested organizations will be working together to take these observations further so that the situation of Syrian children can be improved.

Objective 1: What are the risks?

The risks children are exposed to may vary depending on the location of these children either
within or outside the borders of Syria. For example, within Syria, children are facing challenges from Islamic extremist groups beginning to take over control. Children are the first to be influenced and controlled and torn apart. As a result of this situation, and under fear of being killed or violated, many children have had to leave their schools, and flee with their families to more protected places. In addition, areas that are relatively more frequently exposed to shelling and bombing, lack of adequate medical support and threats to education by Islamic extremist groups. A comparative analysis of the statistics reveals that the military use of schools and attacks on children and teachers in Syria is one of the most severe in the world.

In the regime-controlled areas, a vast number of Internally Displaced Persons (IDPs) frequently seek shelter in overcrowded schools and playgrounds, leading to nutritional and health problems associated with overpopulation. Schools are turning into shelters to protect families from the effects of the conflict. The situation of children in the besieged areas is by far the worst, where children die of malnutrition and lack of medical aid because basic resources are absent and humanitarian access is virtually non-existent.

Syrian refugee children in Jordan are particularly as risk of: early marriage (more than 75% of girls under the age of 18 are brides), family separation, child labour, recruitment, school drop-out, low school attendance rates and exploitation due to lack of registration or lose of formal documents identifying their age. Traditional marriages in Syria, which are often not officially documented or exist outside of the formal law system, may form a risk when these children become refugees and cross the border into Jordan. Children under the age of 18 without any official documents at hand are more likely to be exposed to harsh labour conditions, exploitation and early marriage.

In general, children from Syria experience all of the six grave human rights violations, including: killing, maiming, torture, abduction attacks on schools and hospitals, sexual abuse, denied humanitarian access and military recruitment. In certain cases the situation is worsened because families and children are forced towards seeking support from armed groups because of their poor socio-economic situation.

Objective 2: What are the challenges that need to be overcome?

From the cases that were presented during the side-event, we conclude that the financial problems within the families may force children into child labour, early marriage or recruitment. Access to education and improved labour conditions should help prevent the incidence of exploitative child labour. In a country that used to have a highly educated and resourced population, the panel speakers to the event agree that advocacy and capacity building by the international community involving local civil society organizations could be very successful in improving child protection and reducing the risks of continued child rights violations.

Objective 3&4: What are the recommendations and where are the gaps?

There is consensus that access to adequate humanitarian aid will alleviate the suffering population. Efforts should also be made to stop deliberate attacks on schools and children, and to protect children from direct and indirect participation in armed conflict. The Global Coalition to Protect Education from Attack (GCPEA) calls on all governments and all armed non-state actors around the world to refrain from using schools for military purposes and sign and implement the
In particular with respect to the plight of refugee children and the risks that they are exposed to, the panelists piloted the “No Lost Generation” initiative, which - proposed by UNICEF - establishes ways to show “the impact that could be achieved with a critical investment today of $1 billion focused on the expanding access to learning and psychosocial support, strengthening social cohesion and peacebuilding efforts, and restoring hope for the future to millions of children.”1 This effort will not just be expanded to children, but caregivers and teachers to encompass better universal support and create the potential for better futures for the children affected by the current crisis.

In conclusion, advocacy against the recruitment of child soldiers, against the attacks on education, child labor, and early marriages, and for international support to countries hosting the refugees as well as humanitarian access to all refugees, are all required responses to children involved in this protracted crisis, including refugees and Internally Displaced Persons (IDPs).

VI. FURTHER INFORMATION

- Original movies about attacks on education on Human Rights Watch's website:
  - http://mm.hrw.org/content/syria-attacks-schools-endanger-students
  - http://mm.hrw.org/content/syria-use-incendiary-weapons-demands-action

- Reports:
  - No lost Generation Strategic overview report of UNICEF, “No Lost Generation: Protecting the Futures of Children Affected by the Crisis in Syria.” Proposed on October 2013
  - Global study conducted from 2009 to 2013 entitled “Education Under Attack 2014”

- Resolutions:

(2014)

- Draft Lucens Guidelines:

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