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**opinion**

## **Without Deterrent Mechanisms the Convention on the Rights of the Child and its Committee is Helpless in Effectively Defending Children Rights in Syria and Around the World**

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## First: Treaties Must be Binding:

States that ratify and become parties to the Treaty are obliged under International Human Rights Law to respect and enforce the provisions of the Treaty. They must also submit periodic reports reflecting their compliance with the provisions of the Treaty and their development of national legislation to meet their legal obligations to implement the rights set out in the Treaty. Such treaties often provide for the establishment of international commissions composed of an independent group of experts, to monitor the implementation and commitment of States that have ratified the treaties, and these actions are supposed to strengthen the human rights situation in these States.

The Convention on the Rights of the Child<sup>1</sup> is one of the most ratified conventions in the world, being ratified by every nation in the world except for Somalia and the United States of America. This constitutes a global consensus on the importance of the Convention and its comprehensive content, not only by reference to the economic, social, political, cultural and civil rights of the child in peace situations. By ratifying the treaty, signatories agree that member States should respect the rules of international humanitarian law applicable in situations of armed conflict related to children, as detailed in article 38<sup>2</sup>. This is a matter of attention to this Convention, as well as to the status of the refugee child as stated in Article 22<sup>3</sup>. States which are parties to the Convention are obliged to respect the rights recognized by the Convention for every child under their jurisdiction.

Article 34<sup>4</sup> of the Convention provides for the establishment of the Committee on the Rights of the Child, comprising 18 experts in the field of children's rights. These experts shall be elected by the Party States, and the function of this core committee shall be to monitor the extent to which the States comply with the Convention and the two additional protocols. This is done through the reporting mechanism, whereby signatory States, according to article 44<sup>5</sup> of the Convention, must report to the Committee on the measures they have adopted to give effect to the rights recognized in the present Convention and on the progress made in the implementation of those rights, as well as on any difficulties faced by States which have prevented them from meeting their obligations. Such report should be submitted by each member state within two years of its ratifying the Convention, with states thereafter issuing a periodic report every five years.

Every report should contain comprehensive and detailed information; to this end, the Committee has developed guidelines specifying the requirements for the form and content of reports to be submitted by the State under the Convention and Protocols.

The Committee shall review the report submitted by the State and compare it with the Committee's monitoring, and with the reports of local and international human rights organizations monitoring child rights in that country. The Committee then issues observations on the extent of the State's commitment.

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<sup>2</sup>Convention on the Rights of the Child, OHCHR, Article 38, 2 September 1990, <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>3</sup>Convention on the Rights of the Child, OHCHR, Article 22, 2 September 1990, <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>4</sup>Convention on the Rights of the Child, OHCHR, Article 34, 2 September 1990, <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>5</sup>Convention on the Rights of the Child, OHCHR, Article 44, 2 September 1990, <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

## **Second: What Comes after the Committee Has issued Its Observations in the event of a State Failing to Implement Its Commitments?**

Human rights defenders worldwide seek to pressure their governments to join human rights treaties. The ratification of the Convention on the Rights of the Child implies that the rights of the child will be significantly improved in signatory states. In the event that the Government continues with the same practices as it had before acceding to the Treaty, or makes little progress, this lack of significant progress may not be credited to the Treaty, but rather to the historical or political circumstances in the country, or other reasons. In this event, the Committee on the Rights of the Child must intervene, but this committee relies primarily on the analysis of the quinquennial report issued by the Government, although this period could be extended for another two years in some cases, with a maximum period of seven years. Also, in some cases, the government may have changed and a government that sincerely advocates for children's rights has come to power, so the previous government's report has no merit.

In cases where the Government remains the same and submits a false or misleading report to the Committee on the Rights of the Child, the committee may issue unfavorable observations on the report, and categorize the government as having failed to comply with its obligations under the Convention, and violated a substantial number of its provisions. In such cases, how can the treaty and the Committee on the Rights of the Child provide effective protection to prevent future recurrences of violations, and impose some kind of sanctions on the government that violated the articles of the Convention?

In fact, neither the Convention nor the Committee on the Rights of the Child can do anything more than submit observations on the governments' reports, which are often ignored by the Government of the State in breach of the Convention, with the State in question continuing to commit violations, and possibly even being encouraged by this impunity to commit further violations; unfortunately, this is the reality in the current situation. It is apparent, therefore, that the Convention and reports issued by the Committee on the Rights of the Child have no real value in defending any real children's rights following violations, or preventing the violations themselves from taking place.

To provide clear and irrefutable proof of this fact, analysts should provide a striking example of a State party to the Convention which has blatantly violated children's rights for years, with no significant action taken against it. This paper deals specifically with the case of the Syrian government in the study and analysis to confirm the validity of the aforementioned hypothesis.

### Third: Why Was Syria Chosen as a Case Study Model?

Syria ratified the Convention on the Rights of the Child in 1993. In March 2011, a popular movement arose, with the people calling for a democratic political change. The Syrian government met these demands with violence and terrorism. More than eight years later, the popular movement in Syria has turned into internal armed conflict and the application of international human rights law in the case of peace and war. Since 2011 to the date of writing this paper in May 2019, children in Syria have been subjected to a wide variety of horrendous violations, including threats to their most fundamental rights. This situation has now deteriorated to the point at which the Syrian government is internationally acknowledged as the worst in the world in dealing with children across the entire spectrum of violations, including; torture, enforced disappearance, sexual violence, denial of education, bombing of schools, forced displacement, extrajudicial killings, arbitrary detention, recruitment, deprivation of nationality, etc.

We have focused on these eight years precisely because the violations have become systematic and widespread and constitute crimes against humanity and war crimes, according to the reports of authoritative bodies such as the International Independent Commission of Inquiry on the Syrian Arab Republic, and international human rights organizations. The situation in Syria has become conspicuously terrible, which means that it should be assumed that the Convention and its Committee must play an effective role in the protection of children's rights there. All the resolutions of the UN General Assembly on violations in Syria, as well as the reports by the Secretary-General on children and armed conflict in the Syrian Arab Republic in 2014 and 2017, confirmed international officials' condemnation of the Syrian authorities' practices towards children and disregard for children's rights.

The paper will present examples of these points, showing that the limitations of the role of the Convention and its Committee have emerged clearly, including in a report containing observations made in response to the Syrian Government's submission to the Committee on the Rights of the Child in 2017 to which we will also refer. Finally, the paper concludes that the Convention on the Rights of the Child and its Committee have seriously failed to guarantee even the minimum of basic rights for children in Syria. The paper sets out proposals that may contribute to positively bolstering the role of the Convention in the international community.

### Fourth: The Syrian Government is a Blatant Example of the Violations of Most Articles of the Convention on the Rights of the Child:

We will elaborate on this in four main areas:

One: Many international reports prove the Syrian government's involvement in gross violations of children's rights. (International Independent Commission of Inquiry on the Syrian Arab Republic<sup>6</sup>, United Nations General Assembly<sup>7</sup>, Reports of the Secretary-General of the United Nations<sup>8</sup>)

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<sup>6</sup>International Independent Commission of Inquiry on the Syrian Arab Republic, <<<https://www.ohchr.org/EN/HRBodies/HRC/IIICISyria/Pages/Documentation.aspx>>> [accessed 10 May 2019]

<sup>7</sup>UN Documents for Syria: Secretary-General's Reports, <<[https://www.securitycouncilreport.org/un\\_documents\\_type/secretary-generals-reports/?ctype=Syria&cctype=syria](https://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/?ctype=Syria&cctype=syria)>> [accessed 10 May 2019]

<sup>8</sup>UN Documents for Syria: Secretary-Generals Reports, <<[https://www.securitycouncilreport.org/un\\_documents\\_type/secretary-generals-reports/?ctype=Syria&cctype=syria](https://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/?ctype=Syria&cctype=syria)>> [accessed 10 May 2019]

### **International Independent Commission of Inquiry:**

In its first report issued in 23 November 2011, the Commission, which has now issued nearly 36 reports on Syria, focusing in particular on violations<sup>9</sup> of the rights of the child, included a special chapter on human rights violations<sup>9</sup>. It should be noted that this initial report was issued before the popular movement turned to an internal armed conflict. The committee stated that government forces “showed no recognition of children’s rights in the measures they have taken to quell the opposition”, adding that it had killed 256 children from March 2011 to November 9, 2011, as well as arresting a large number of children, some of them under the age of 10, and confirmed that government forces had perpetrated torture against both adults and children.

The committee indicated that boys were subjected to sexual torture in detention centers in front of adult men, that government forces had used schools as detention facilities, as well as deploying snipers on school roofs, creating fear in children, with many refusing to attend school as a result. Furthermore, the Commission of Inquiry indicated that a number of children had suffocated as a result of the Syrian government using chemical weapons against civilian areas.

In its second<sup>10</sup> and third<sup>11</sup> reports, the Committee emphasized that Government forces had continued to commit all these, as well as noting the emergence of another regime strategy, specifically sending teenage children to pro-regime rallies to make support look greater than it is in reality. In its fourth report<sup>12</sup>, the Committee stated that the violations against children by the Syrian Government had become so extensive and widespread that they constituted crimes against humanity. The Commission of Inquiry has continued to monitor the patterns of violations perpetrated by the Syrian government over the eight years since 2011. The committee also emphasized the grave impact of the starvation sieges imposed by the Syrian government on large areas with a high population density and the impact of these on children there, finding that most cases of child deaths and injuries were caused by aerial and ground bombardment by government forces on areas outside the government’s control.

The committee confirmed that the Syrian government had forcibly conscripted children and placed them at military checkpoints, speaking on many occasions about the Syrian government’s bombing of schools and kindergartens, which, as it pointed out, constitute war crimes.

### **The United Nations General Assembly (UNGA):**

In most of its resolutions on the human rights situation in Syria, the UNGA the condemned the widespread and systematic violations by the Syrian Government and emphasized that children have been subjected to arbitrary arrests, torture, enforced disappearances, extrajudicial killings, and forcible displacement. The UNGA has stressed that the Syrian Government has conscripted children and launched attacks on schools, as well as strongly condemning the Syrian government’s use of chemical weapons, in particular, those incidents involving the use of chemical weapons in which children were killed.

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<sup>9</sup>UNHRC, Report of the independent international commission of inquiry on the Syrian Arab Republic, Para. 69 to Para. 74 (23 November 2011) UN Doc A/HRC/S-17/2/Add.1

<sup>10</sup>UNHRC, Report of the independent international commission of inquiry on the Syrian Arab Republic, (22 February 2012) UN Doc A/HRC/19/69

<sup>11</sup>UNHRC, Report of the independent international commission of inquiry on the Syrian Arab Republic, (16 August 2012) UN Doc A/HRC/21/50

<sup>12</sup>UNHRC, Report of the independent international commission of inquiry on the Syrian Arab Republic, (5 February 2013) UN Doc A/HRC/22/59

In resolution A/RES/67/262 of 15 May 2013<sup>13</sup>, a requirement was clearly stated in paragraph 4 stating that the Syrian government needed “To immediately end all violations of international human rights law, to fulfill its responsibility to protect the population, and to comply fully with its obligations under applicable international law, including international law with regard to the rights and protection of women and girls, and the Convention on the Rights of the Child.”

The General Assembly has continued to regularly issue resolutions condemning the Syrian government, with Resolution A/RES/71/203 of 19 December 2016<sup>14</sup> was a milestone, revealing the death of at least 400,000 people since 2011, with more than 15,000 of these being children. The report added that there are “over 4.8 million refugees, more than 3.6 million of them are women and children”. The Syrian government continued to commit widespread and systematic violations of children’s rights, and in Resolution A/RES/72/191 of 19 December 2017<sup>15</sup>, the General Assembly reported that 17,000 children had been killed in Syria since the beginning of peaceful protests in March 2011, with more than 5.3 million citizens forced to flee Syria as refugees, of whom more than 3.8 million are women and children. The resolution condemned the killing of children by the Syrian government in its sarin gas attack in the city of Khan Sheikhoun on 4 April 2017. In most of its resolutions, the General Assembly has continued to document and condemn the crimes of the Syrian Government.

#### **Reports of the Secretary-General on children and armed conflict in Syria:**

The reports issued by the Secretary-General are consistent with those of the International Commission of Inquiry and the resolutions of the General Assembly.

The report A/66/782-S/2012/261 of April 2012<sup>16</sup> confirmed that children detained by the Syrian Government had been detained and tortured simply because their parents belonged to the opposition.

The report also revealed that the government forces, while the state’s intelligence forces and affiliated local militias have used schools as bases for military attacks and as detention centers where both adults and children are tortured.

The report stressed that injured children are afraid to seek medical treatment in government hospitals for fear of reprisals from the government on suspicion of their association with the opposition.

The Secretary-General’s report S/2014/31 of January 2014<sup>17</sup> is particularly important because it covers the three years prior to that date since the beginning of 2011. The report clearly accused government forces and associated militias of a large number of violations of children’s rights, including; killings, displacement, arbitrary arrest, detention, ill-treatment, torture and sexual violence, attacks on schools, and obstruction of access to education and health services. The report further confirmed the killing of 10,000 Syrian children up to that date. The subsequent report by the Secretary-General (A/72/361-S/2017/821)<sup>18</sup>, issued in August 2017, reiterated most of the same violations of the children’s rights, meaning that the Syrian Government continued with the same systematic violations.

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<sup>13</sup>UNGA Res 67/262 Para. 4 (4 June 2013) UN Doc A/RES/67/262

<sup>14</sup>UNGA Res 71/203 (1 February 2017) UN Doc A/RES/71/203

<sup>15</sup>UNGA Res 72/191, Para. 123 and Para. 126 (23 January 2018) A/RES/72/191.

<sup>16</sup>Children and armed conflict. Report of the Secretary-General, A/66/782-S/2012/261

<sup>17</sup>Report of the Secretary-General on children and armed conflict in the Syrian Arab Republic, S/2014/31

<sup>18</sup>Children and armed conflict - Report of the Secretary-General, (A/72/361-S/2017/821)

Apart from the reports by the International Independent Commission of Inquiry, the Secretary-General of the United Nations and the resolutions of the United Nations General Assembly, there's also a wide range of reports by domestic and international humanitarian organizations that have documented and condemned violations of the right of the child by the Syrian Government, describing these violations as methodical and wide-ranging; these bodies include as; UNICEF<sup>19</sup>, Human Rights Watch<sup>20</sup>, Amnesty International<sup>21</sup>, Save the Children<sup>22</sup>, the Syrian Network for Human Rights<sup>23</sup>.

The paper merely referred to some of the United Nations investigative reports because the size of the report and amount of information included did not allow for more instances, and because the data provided gives a clear vision of the terrible prevalence of violations against children by the Syrian government in blatant violation of the Convention on the Rights of the Child.

### Two: Systematic Violation of Most Articles of the Convention on the Rights of the Child:

The Government of the Syrian Arab Republic, as a State party to the Convention on the Rights of the Child and its Optional Protocol on Children and Armed Conflict, has the primary responsibility for ensuring the protection of children throughout its territory. However, this government has not only failed to protect children but has also practiced the most egregious abuses against them.

According to reports by the International Commission of Inquiry, General Assembly resolutions, the Secretary-General, and reports by international and local organizations, the Syrian Government has repeatedly violated the following articles of the Convention on the Rights of the Child:

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<sup>19</sup> UNICEF, Seven, <<<https://blogs.unicef.org/blog/syria-7/>>> [accessed 10 May 2019]  
UNICEF, Statement by UNICEF Executive Director Henrietta H. Fore on continuing violence in Syria, <<<https://www.unicef.org/press-releases/statement-unicef-executive-director-henrietta-h-fore-on-continuing-violence-syria>>> [accessed 10 May 2019]  
UNICEF, Nearly 5 million Syrian children accessing education despite over seven years of war on children, <<<https://www.unicef.org/press-releases/nearly-5-million-syrian-children-accessing-education-despite-over-seven-years-war>>> [accessed 10 May 2019]  
UNICEF, Access to children in need in Syria continues to be severely restricted, <<<https://www.unicef.org/press-releases/access-children-need-syria-continues-be-severely-restricted>>> [accessed 10 May 2019]

<sup>20</sup> Human Rights Watch, Safe No More, (5 June 2013) <<<https://www.hrw.org/report/2013/06/05/safe-no-more/students-and-schools-under-attack-syria>>> [accessed 10 May 2019]  
Human Rights Watch, "Maybe We Live and Maybe We Die", (22 June 2014) <<<https://www.hrw.org/report/2014/06/22/maybe-we-live-and-maybe-we-die/recruitment-and-use-children-armed-groups-syria>>> [accessed 10 May 2019]  
Human Rights Watch, "When I Picture My Future, I See Nothing", (8 November 2015) <<<https://www.hrw.org/report/2015/11/08/when-i-picture-my-future-i-see-nothing/barriers-education-syrian-refugee-children>>> [accessed 10 May 2019]  
Human Rights Watch, "Growing Up Without an Education", (10 July 2016) <<<https://www.hrw.org/report/2016/07/19/growing-without-education/barriers-education-syrian-refugee-children-lebanon>>> [accessed 10 May 2019]  
Human Rights Watch, Education for Syrian Refugee Children: What Donors and Host Countries Should Do, (16 September 2016) <<<https://www.hrw.org/news/2016/09/16/education-syrian-refugee-children-what-donors-and-host-countries-should-do>>> [accessed 10 May 2019]  
Human Rights Watch, Syria: Children Under Attack in Damascus Enclave, (11 January 2018) <<<https://www.hrw.org/news/2018/01/11/syria-children-under-attack-damascus-enclave>>> [accessed 10 May 2019]  
Human Rights Watch, Syria: Deadly School Attack Was Unlawful, (11 January 2019) <<<https://www.hrw.org/news/2019/01/11/syria-deadly-school-attack-was-unlawful>>> [accessed 10 May 2019]

<sup>21</sup> Amnesty, SYRIA: CRACKDOWN IN SYRIA: TERROR IN TELL KALAKH, (6 July 2011) <<<https://www.amnesty.org/en/documents/mde24/029/2011/en/>>> [accessed 10 May 2019]  
Amnesty, SYRIA: EVACUATE 10-YEAR-OLD GIRL IN NEED OF SURGERY: GHINA AHMAD WADI, (11 August 2011) <<<https://www.amnesty.org/en/documents/mde24/4642/2016/en/>>> [accessed 10 May 2019]

<sup>22</sup> Save the Children, HALF OF SYRIA'S ONE MILLION REFUGEES ARE CHILDREN, (6 March 2013) <<<https://www.savethechildren.net/article/half-syrias-one-million-refugees-are-children>>> [accessed 10 May 2019]  
Save the Children, SYRIA CRISIS: "MY HOUSE IN SYRIA WAS WARM AND COZY... I PREFER TO DIE THERE", (11 December 2013) <<<https://www.savethechildren.net/article/syria-crisis-my-house-syria-was-warm-and-cozy%E2%80%A6-i-prefer-die-there>>> [accessed 10 May 2019]  
Save the Children, SYRIA CRISIS: "I'D LIKE TO GO BACK TO SYRIA, BACK TO MY SCHOOL.", (26 June 2013) <<<https://www.savethechildren.net/article/syria-crisis-%E2%80%9Ci%E2%80%99d-go-back-syria-back-my-school%E2%80%9D>>> [accessed 10 May 2019]  
Save the Children, SYRIA CASUALTIES SOAR BY NEARLY 50 PERCENT SINCE CREATION OF SO-CALLED 'DE-ESCALATION ZONES', (12 March 2018) <<<https://www.savethechildren.net/article/syria-casualties-soar-nearly-50-percent-creation-so-called-de-escalation-zones>>> [accessed 10 May 2019]  
Save the Children, EIGHT YEARS OF WAR IN SYRIA LEAVES A THIRD OF CHILDREN 'ALWAYS OR FREQUENTLY' FEELING UNSAFE, (11 March 2019) <<<https://www.savethechildren.net/article/eight-years-war-syria-leaves-third-children-always-or-frequently-feeling-unsafe>>> [accessed 10 May 2019]

<sup>23</sup> Syrian Network for Human Rights, Children, <<<http://sn4hr.org/blog/category/report/special-reports/children/>>> [accessed 10 May 2019]

The arrest, torture, and killing of children according to their political opinion violate Article 2<sup>24</sup>, 9<sup>25</sup>, 12<sup>26</sup>, 13<sup>27</sup>, 14<sup>28</sup>, 15<sup>29</sup>, and 16<sup>30</sup>. Failure to provide protection and care, and the government's own threat to children's safety and security violates Article 3<sup>31</sup> and 4<sup>32</sup>. The killing of children in indiscriminate shelling or through torture and sexual violence in detention centers violates article 6<sup>33</sup>, 19<sup>34</sup>, 24<sup>35</sup>, 34, 36<sup>36</sup>, 37<sup>37</sup> and 38. Bombing schools and turning them into military headquarters and detention centers violate Article 27<sup>38</sup>, 28<sup>39</sup>, 29<sup>40</sup>, and 38.

The Syrian government has practically, systematically, and extensively violated most of the Convention's articles, and has repeated these violations over the years.

### Three: A Misleading Report by the Syrian Government that was Weak and Shameful by the Committee on the Rights of the Child:

In 2017, the Syrian Government submitted its periodic report in accordance with article 44 of the Convention on the Rights of the Child which it had been due to submit two year earlier in 2015. The Syrian government deliberately postponed its release for nearly two years, handing it over on 10 July 2017.

The report covered the period from 2012 to April 2017, in which the Syrian government did not recognize any violation committed during those years, and placed full responsibility for all crimes on terrorist organizations, such as; Al-Nusra Front and ISIS. The report focused on the new constitution and its articles and went into some detail on the reform of domestic laws. In paragraph 47 the report flatly denied that the Syrian government had killed or maimed any child, and in paragraph 49 it denied the reports of the Secretary-General outlining accusations against the Syrian government. In paragraph 63 the report denied the existence of stateless children; in paragraph 70 the report stressed the supposed freedom of opinion and expression available in Syria; in paragraph 83, the report noted that Syrian law prohibited the beating or torture of a child. The report continued in this manner of denial, which is to be expected from the government of an authoritarian dictatorship. However, what is important in this paper is the response of the Committee on the Rights of the Child to this shameful excuse for a report.

On 11 July 2018, the Committee on the Rights of the Child submitted a report on the list of issues relating to the previous periodic report. This submission included a request to the Syrian government to provide further clarifications and information, along with statistics and data, and to detail what steps would be taken by the Syrian government to address some of the issues. The committee's report offered no criticism of the Syrian government's performance and its violation of a large number of articles of the Convention on the Rights

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<sup>24</sup> Convention on the Rights of the Child, OHCHR, Article 2, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>25</sup> Convention on the Rights of the Child, OHCHR, Article 9, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>26</sup> Convention on the Rights of the Child, OHCHR, Article 12, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>27</sup> Convention on the Rights of the Child, OHCHR, Article 13, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>28</sup> Convention on the Rights of the Child, OHCHR, Article 14, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>29</sup> Convention on the Rights of the Child, OHCHR, Article 15, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>30</sup> Convention on the Rights of the Child, OHCHR, Article 16, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>31</sup> Convention on the Rights of the Child, OHCHR, Article 3, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>32</sup> Convention on the Rights of the Child, OHCHR, Article 4, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>33</sup> Convention on the Rights of the Child, OHCHR, Article 6, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>34</sup> Convention on the Rights of the Child, OHCHR, Article 19, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>35</sup> Convention on the Rights of the Child, OHCHR, Article 24, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>36</sup> Convention on the Rights of the Child, OHCHR, Article 36, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>37</sup> Convention on the Rights of the Child, OHCHR, Article 37, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>38</sup> Convention on the Rights of the Child, OHCHR, Article 27, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>39</sup> Convention on the Rights of the Child, OHCHR, Article 28, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]

<sup>40</sup> Convention on the Rights of the Child, OHCHR, Article 29, 2 September 1990. <<<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>> [accesses 10 May 2019]



of the Child. By contrast, the patently false report in which the Syrian Government responded to the Commission's report contained strong terms of reproach and denial; in paragraph 13, the Syrian Government accused the Commission of making false allegations against the Syrian Government, a claim it reiterated this in paragraph 19, stating; "The attempt to ask questions that suggest such practices by the Syrian government are rejected and absolutely unacceptable."

**Four: The Convention on the Rights of the Child and the Committee on the Rights of the Child Have Failed to Provide Protection, Security, and the Fundamental Rights of Children in Syria and in many Countries of the World:**

We found that the Syrian government's early accession to the Convention on the Rights of the Child did not prevent it from committing the most egregious violations of many of the provisions of the Convention, and continuing these violations ever since, with the Convention and its Committee showing a lamentable inability to provide an act of protection for children or to mitigate any of the Syrian government's violations. Despite the fact that the Government's violations have reached the level of crimes against humanity and war crimes, in the sense that they have systematically violated most of the articles of the Convention, and the Government's obvious indifference to its ratification of the Convention, the Syrian government and its similar peers worldwide know perfectly well that accession to the Convention is largely meaningless, with no fear of penalties for violations or protection for their victims. Accession to the Convention has not precluded or deterred the Syrian Government from committing atrocities against Syrian children.

By contrast to the Syrian Government's strong rebuke to the Committee, the report by the Committee on the Rights of the Child was very weak and failed to address fundamental issues and rights. In theory, the Commission was supposed to conduct investigations itself and to confront the Syrian government over its violations, and the violation of a large number of articles of the Convention on the Rights of the Child. It seems, however, that the authors of the report are not familiar with this policy or simply failed to investigate the violations perpetrated by the Syrian government, leading to a report which is, in effect, so weak as to be a whitewash. Such reports encourage the Syrian government and other authoritarian dictatorships to commit further violations and atrocities against the rights of children, knowing that no matter how monstrous these violations are, and even after the Government has committed the most egregious violations, any investigation will be, at worst, bland and ineffectual and result in a report which will have no adverse effects. This effective impunity is, undoubtedly, taken as a green light by dictators and totalitarian regimes to continue their violations and even to commit more.

If the authors of the commission's report are unable to investigate incidents of violations perpetrated by the Syrian government, they could at least rely on the reports of the International Commission of Inquiry, the resolutions of the General Assembly, the reports by the Secretary-General of the United Nations, UNICEF, or others by local and international organizations, enabling the Committee on the Rights of the Child to prepare a far more robust and detailed report, and to direct sharp criticism and strong condemnation of the Syrian government, even though such criticism and condemnation alone is insufficient without further sanction or action. Failing even to achieve this modest level of competence, however, which doesn't even meet the most minimal standards of censure shows that the Commission has failed miserably in every way in its remit to protect children.

Human rights defenders in Syria, Syrian society, and the families of Syrian child victims have waited for the Committee on the Rights of the Child to conduct fair investigations into the violations against their children and for fair reporting of these to bring some form of justice and legal remedy for their suffering in light of the horrendous violations against these innocents; their hopes have been cruelly dashed, however, with the committee failing the families and the child victims. It is my contention that, by submitting a report that fails to meet the standards required and to document the terrible violation that has occurred in Syria, the committee has gravely failed the children, the Convention on the Rights of the Child and the institution of international human rights law itself.

### **Fifth: Proposals to Reform the Convention and Activate its Role:**

The text of the Convention and its contents positively reflect its authors' sincere desire to achieve the highest humanitarian standards in protecting the rights of the child; however, it lacks, in essence, any mechanisms of practical oversight and punitive and operational deterrent to discourage the States that have ratified the convention from violating its articles. This problem is part of a wider problem found within the United Nations system itself, with the organization's creators giving the Security Council total powers that make it an absolute authority with sole jurisdiction over issues of imposing, applying and following up on sanctions. However, the history of the Security Council is marred by repeated incidents of failure to protect human rights, since the interests of the five permanent members always take precedence over international law and human rights. Although there are very rare cases where consensus is reached among these five countries leading to action being taken to protect human rights, as happened in Yugoslavia<sup>41</sup> and Libya<sup>42</sup>, overall the Security Council has failed since its foundation to deal in a serious manner with grievous human rights abuses in dozens of conflicts, or to impose sanctions on states responsible for violating human rights. Syria is another stark and terrible example of this. Despite all the abuses, crime and violations committed by the Syrian government against Syrian children and wider Syrian society, the Security Council has failed to impose any military or political sanctions against the Syrian government or to find a satisfactory solution to the eight-year Syrian conflict which is still ongoing and has left hundreds of thousands dead and nearly 13 million Syrian homeless.

In order for the Convention on the Rights of the Child to fulfill its essential role in protecting children's rights and to play a serious role in the implementation of its articles, I believe that it requires additions and amendments that contain the following main points:

- A. To establish a committee to monitor and investigate violations of the rights of the child in all the countries of the world, and to issue urgent statements, reports, and recommendations, rather than merely rubber-stamping periodic and meaningless reports issued by member states' governments as a ritual formality every five years. The members of this committee should be legal experts and children's rights advocates recognized for their experience and integrity. The Committee must have the power to issue pronouncements of conviction and reports that reveal a state's practices and its violation of any articles of the Convention. These reports may be issued as needed and not limited to a specific period of time, but according to the situation of each country. These reports should be published by both local and international media in order to expose the practices of any country contravening the Convention's articles at the various international levels.

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<sup>41</sup> UNSC Res 1244 (10 June 1999) UN Doc S/RES/1244

<sup>42</sup> UNSC Res 1973 (17 March 2011) UN Doc S/RES/1973

- B. In the event that any State fails to comply with the statements of conviction, and that there are documented reports issued by the competent commission of inquiry confirming violations of the rights of the child and that the state in question continues to violate the articles of the Convention widely, the Convention must include articles that would enable it to impose political, economic and legal sanctions against the violating State, without reference to the Security Council; meaning the Convention must include a self-regulated force. In order to achieve such sanctions, the Convention must be able to request all its members to economically and politically boycott the State violating the articles of the Convention. In the case of such measures being rejected by allied countries of the violating state, the Convention can request that the rest of the world also include the allied state in the sanctions, since support for the violating state is considered a violation of the Convention and as encouraging the violation of its articles.
- C. The Convention must have the authority to estimate the size and duration of sanctions, in accordance with the type and magnitude of violations committed by the State, with such sanctions lifted, reduced or abolished based on the extent of the State's compliance, these functions may be entrusted to an investigation committee of the Convention. In addition, there must be an agreement on a mechanism to pass decisions, which could be decided by the votes of the majority. Thereafter, sanctions must be applied immediately after the violations have been proven to send a serious message to the violating government.
- D. In addition to economic and political sanctions and access to a media platform, the Convention must have legal force, enabling it to refer the States where there were widespread violations that constitute crimes against humanity and war crimes to the International Criminal Court, particularly since many countries, such as Syria, have not ratified the Charter of the International Criminal Court. While the government has committed widespread violations against the child, which constituted crimes against humanity and war crime, the International Criminal Court was unable to assume any jurisdiction in Syria. In this instance the Security Council must refer the file in Syria to the International Criminal Court, In Idlib, however, because of Russian support for the Syrian regime, the referral process has failed. The systematic crimes against the child in Syria remained without trial or accountability, all provide further evidence of the failure of the Security Council and its negative role in obstructing justice. Therefore, not all forces should be concentrated in their own hands; they have become a power of interest above the law and human rights.
- E. The Convention shall have the power to suspend the membership of any State which is violating the provisions of the Convention clearly and repeatedly. And in case of non-compliance, they must be expelled from the Convention and defamed. No international agreement is to be acceded to by rogue states that violate their articles and violate their provisions, while at the same time gaining legitimacy and declaring to its people and the rest of the world that they are civilized countries that have ratified the Convention on the Rights of the Child.