

Child Rights

Situation Analysis Middle East and North Africa

Report Commissioned by
Save the Children Sweden

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Save the Children

Our Vision

Save the Children's vision is a world in which every child attains the right to survival, protection, development and participation.

Our Mission

Save the Children's mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives

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Foreword

Save the Children Sweden is a non-governmental organization founded in 1919. The basis of Save the Children Sweden's work is the United Nations Convention on the Rights of the Child (CRC) and the United Nations' Universal Declaration of Human Rights. These build on the principles that all people are equal, children have special rights and everyone has a responsibility - but governments have a special obligation.

Save the Children Sweden's rights perspective emphasises that States have the overall responsibility, but that everyone can contribute to children having their rights fulfilled. We believe that children themselves can also fight for their rights, if they are given the chance to do so and if they receive support and encouragement.

To better respond to the needs of children, Save the Children Sweden develops Child Rights Situation Analyses (CRSA) on a periodic basis. This regional CRSA has been developed by the MENA Regional office in order to explore the violations of child rights that exist in the MENA region.

As this study is the result of a desk review, it sheds light on important issues but leaves some gaps which could not be covered in a one-month desk review. But it acts as a basis to further explore the child rights violations and fill in the gaps.

Save the Children Sweden has been responding to these gaps since 2009, through a regional project which aims at strengthening civil society organisations in 17 countries in the region. The project

is giving civil society organisations the tools to identify gaps, to report on child rights violations and to take action in terms of raising awareness and advocating for the fulfilment of these rights.

Save the Children would like to extend our gratitude to the consultant, Yara Abdul-Hamid, who did the desk review and thank you to the regional team who contributed in providing material and input in the drafting and finalisation of this study.

Sanna Johnson
Regional Director Middle East and North Africa Save the Children Sweden

Executive Summary

Countries in the Middle East and North Africa (MENA) region are displaying a growing awareness of the importance of protecting and promoting child rights. All the states in the region have ratified the United Nations Convention on the Rights of the Child (Convention), and with the exception of the United Arab Emirates (UAE), all the states covered in this report have ratified the two Optional Protocols to the Convention on the Sale of Children, Child Prostitution and Child Pornography (OPSC) and on the Involvement of Children in Armed Conflicts (OPAC). The MENA countries are implementing legislative, policy, and institutional measures to promote the rights of children, as enshrined in the Convention, international human rights conventions, and regional instruments such as the League of Arab States' Arab Charter on Human Rights and the African Union's African Charter on the Rights and Welfare of the Child.

Significant gaps however persist and countless children suffer from rights violation, in the fields of protection, education, survival and development, and health. Long-term political instability and violence in the occupied Palestinian territory (oPt), Iraq, and Yemen continue to adversely impact upon the rights of children, while recent political developments, as manifested by the Arab Spring of 2011, have heightened protection risks for children, particularly in Syria, Libya, and Bahrain. The protests that have swept through the MENA region since early 2011 have brought violations of rights, including child rights, to the forefront of international attention.

In the field of right to protection, considerable advances have been made on the legislative front to protect

children from violence, abuse, neglect, and exploitation, in line with recommendations made by the United Nations (UN) Committee on the Rights of the Child (Committee). Regional bodies, namely the Organisation of the Islamic Conference (OIC), the League of Arab States, and the African Union (AU) have also been taking positive measures to promote the implementation of the recommendations of the UN Study on Violence against Children (UNVAC), and have committed to place the issue of violence against children as a permanent item on the agenda of their summits.



Many of the countries are proposing comprehensive Child Laws that bring together legal provisions for the protection of the child, or drafting amendments to specific laws namely criminal codes, or are proposing new laws, for example on anti-trafficking, to better protect children from violence, exploitation, and abuse. Child bills, for example, are under discussion in Qatar and Syria, while Kuwait has prepared a Draft Children's Code and draft bill to amend the Penal Code. These legislative moves demonstrate the efforts of countries to better align their national legislation to international legal instruments. While welcoming these legislative gains, the Committee has consistently recommended MENA countries to expedite the adoption and enforcement of proposed laws, to allocate more resources to protection of children, and to ensure that relevant domestic laws are in full conformity with the provisions and principles of the Convention, namely best interest of the child, the right to participation and, non-discrimination.

The agenda for child protection is far from complete. Many children lack the protective environment required to safeguard them from harm and ill-treatment, and mechanisms to monitor and document child rights violations, need to be strengthened to be able to effectively protection children. Although countries such as Egypt, Tunisia, and the occupied Palestinian (oPt) have made considerable progress in developing child protection systems, the MENA countries in general lack a comprehensive approach in addressing child abuse and violence including, for example, studies, legislative measures, public education campaigns, child-sensitive procedures and mechanisms, prosecuting violators and providing

care, recovery and reintegration for victims, and training for professionals in identification, reporting and management of ill-treatment cases.

In addition, with the exception of Tunisia, none of the countries have implemented legislative measures to prohibit corporal punishment in all settings, despite repeated recommendations by the Committee as well the UNVAC to prohibit all corporal punishment as a matter of urgency. With the exception of Tunisia, corporal punishment is viewed as a form of 'right to discipline' in the home and in alternative care settings and is not conceived of as a form of violence children need protection from. In Egypt, for example, Article 7A of the Child Law allows the right to discipline of parents and carers ('reasonable corporal punishment') indicating that provisions against violence and abuse is not interpreted as prohibiting corporal punishment.



The need to ban corporal punishment in the home, to promote alternative disciplinary measures and develop effective enforcement mechanisms is necessary to address the widespread prevalence of violence and abuse of children. The United Nations Children's Fund (UNICEF) reports that three in four children in the region are subject to physical punishment. In general, children are better protected in law from corporal punishment in schools than in the home or in alternative care settings, and countries such as Algeria, Bahrain, Jordan, Libya, Oman, United Arab Emirates (UAE), and Yemen have all issued prohibitions against corporal punishment in schools, while Egypt, Iraq, Lebanon, Morocco, occupied Palestinian territory (oPt), Saudi Arabia, and Syria have issued directives, policies, or circulars banning corporal punishment at schools. However, enforcement mechanisms are weak, and physical violence as a form of corporal punishment persists.

Moreover, in a number of countries, 'traditional harmful practices' such as early marriage, female genital mutilation (FGM), 'honour crimes' and child marriage still occur and children continue to suffer from grave violations of their right to protection. In recent years, many of the countries have instituted laws to increase the age of marriage of girls to 18 (for example, Morocco and Egypt), but the practice of child marriage still persists, particularly in remote rural areas. FGM is practiced in countries such as Egypt, Yemen, Iraq, and Oman, and is believed to be practiced to a lesser extent among communities in Jordan, and the oPt. Legal frameworks diverge: FGM has been banned and is criminalised in

Egypt (2008) and in Iraqi Kurdistan (2011), while in Yemen and Oman there is no law against FGM. Legislative gains have also been made in Jordan and Iraqi Kurdistan with regards to 'honour crimes', where traditionally perpetrators of honour killings have often gone unpunished due to discriminatory laws or lenient sentences.

While birth registration rates are high in many of the countries (of over 95 per cent), it remains a critical issue in Yemen, where only 22 per cent of births are registered, adversely affecting the ability of children to have access to public services, including health care and education. In countries such as Lebanon, Syria, Kuwait, and Saudi Arabia, there are reports that hundreds of thousands of persons remain stateless, without access to official documentation, including birth certificates in certain cases. This is the case for example of a significant number of Kurds in Syria (maktumeen, who have no form of identification at all), who face great difficulties in accessing health care, goods and services due to their statelessness.

Children without adequate parental care are a particularly vulnerable group. In Egypt, although there are no reliable comprehensive estimates, government data indicates that 46,000 children reside in care various types of care institutions, and between 200,000 and 2 million children are living in the streets. As for Lebanon, it is reportedly the country with the highest per cent of institutionalised children in the world, the majority of which are not orphans. In Iraq, the main issue is the high number of war orphans.



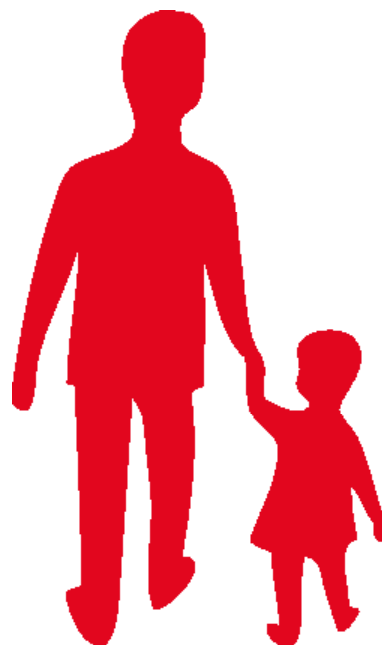
Child trafficking and exploitative labour are also protection risks facing an increasing number of children in the region, despite considerable advances made to enact anti-trafficking laws. Nearly one-in-ten children between the ages of 5 and 14 are involved in child labour. Child labour rates, however, may actually be higher due to under-reporting in sectors such as domestic service, agriculture, and street vending where children tend to be concentrated. In general, working children tend to come from disadvantaged families and children of migrants and refugees are more likely to become child labourers, with girls more likely to drop out of school. In Lebanon for example, literature suggests that Iraqi refugee children, Palestinian children, migrant children, children living in the streets, and children from low-income

families are particularly vulnerable to exploitative labour practices. In a 2009 assessment of camps in Tyre, Palestinian children were found to be exposed to exploitative employers, very poor wages, lack of training and physically inappropriate demand, and higher risk of physical punishment and sexual abuse. According to one study, in Yemen, 60 per cent of the estimated half a million working children have been exposed to injury, while 20 per cent of them have been subjected to sexual exploitation.

In its review of periodic reports of the MENA states, the Committee has also consistently urged the countries to improve their administration of juvenile justice and to better protect children in conflict with the law, through raising for example the legal minimum age of criminal responsibility, developing more child-sensitive procedures and institutions, providing free legal assistance to children in conflict with the law, developing effective complaints and data collection systems concerning complaints on torture or other forms of ill-treatment of children deprived of their liberty, and ensuring adequate recovery and reinsertion services. Juvenile justice is a glaring issue in Saudi Arabia and Yemen, where children may be sentenced to death penalty, and in the oPt, where despite repeated recommendations by the Committee, the State party, Israel, has not made any moves to ensure that international juvenile justice standards are being applied to Palestinian children and juveniles.

With regards to right to education, national legislation guarantees free basic education in all the countries of the region. The right to education is also enshrined in regional human rights instruments, namely the AU's African Charter on Human and People's Rights and African Charter on the Rights and Welfare of the Child, as well as the Arab Charter on Human Rights.

Over the past decade, the MENA region has made significant progress in enhancing children's right to education, as demonstrated by high government investments in education sector, increased enrolment rates in primary and secondary schools and narrowing of gender gaps in education. While still lower than levels observed in Southeast Asia, Latin America, and



East Asia, average levels of educational attainment in the MENA region witnessed the fastest expansion in the world between 1990 and 2010. By 2009, the region averaged 91 per cent primary school net enrolment ratio for boys and 86 per cent for girls.

Regional figures however mask significant variations between the countries: while Bahrain and Tunisia have the highest level of net primary school enrolment in the region at 98 per cent average for boys and girls, this ratio is only 68 per cent in Oman, which is even lower than for resource-poor and conflict-ridden Yemen, where the net primary school enrolment averages 73 per cent. In addition to these two countries which are not on track to meet the Millennium Development Goal (MDG) of Universal Primary Goal, occupied Palestinian territory (oPt) and Iraq are also not on track to meet this MDG. In both countries, education levels have plummeted due to the volatile political and security environment. Indeed, the UN reports that enrolment rates have dropped by over 20 percentage points since 1999 in the oPt. Yemen and Iraq are the two countries in the region which have been least successful in reducing gender gaps.

The current challenge to MENA countries is to extend quality education to children who have been left out of initial efforts to provide basic education. In 2007, at least 3.1 million children of primary school age were out of school in the countries covered by this report. In the region, there is a clear gender bias against the education girls, with nearly 67 per cent of out of school children girls. Typically, children who are excluded from primary school, or who drop out before completing primary education are poor, living in disadvantaged rural communities, or in urban slums. In other words, spatial and wealth disparities in educational attainment can be discerned in many of the countries, with low-income households in economically lagging communities tending to have least access to primary education.

Participation in secondary education also varies greatly by country, with net secondary school enrolment ratios varying from 89 per cent in Bahrain to 34.5 per cent in Morocco. Although the MENA region has yet to attain full secondary school enrolment, there has been significant progress in reducing gender gap. Algeria, Bahrain, Jordan, Lebanon, oPt, Qatar, Tunisia and the UAE all have higher net secondary school enrolment ratios for girls than boys – indicating that once girls enter school, then tend to stay longer than boys.

Surveys and statistics highlight that in addition to poor children in economically lagging communities, specific groups of children are vulnerable to being excluded from primary and secondary education. These include children living with disabilities, working children, children living in situations of conflict and insecurity, children of

migrant workers, stateless persons and refugees. In line with repeated recommendations of the Committee, many of the countries are improving legislative, policy, and institutional environment for specific groups of vulnerable children. In practice however, exclusionary practices persist, and right to education of these groups of children is not being respected. For example, across the region, given that more 95 per cent of children living with disabilities are not integrated into schools, much more efforts would need to be expended to ensure their right to education. Similarly, more investment is needed to ensure that right of education of refugee children is respected, through legislative reforms complemented by on-the-ground programmes for children and their families. For example, although there are no restrictions preventing Iraqi children from attending public schools in Syria, up to 35 per cent of Iraqi children may be out of school.





In addition, despite heavy investments in education, the quality of education remains low across the region, demonstrated by low average scores on international tests. Quality of school education is negatively affected by overcrowded classrooms, inadequate training of teachers and infrastructure, and the high prevalence of violence, undermining the overall value of free and equal access. In general, across the region, teaching is characterised by rote learning with little emphasis on problem-solving, and interactive and inquiry-based teaching methods are rare. Achieving better quality will require additional incentive mechanisms for teachers as well as additional public accountability measures.

Similarly, although pre-primary education has witnessed an increase in enrolment, with gross enrolment rates increasing from 15 to 19 per cent between 1999 and 2009, the sector still suffers from a lack of investment, public understanding of its importance in a child's early cognitive and social development and an overall lack of resources including trained staff and curriculum standardisation, according to the UN.

With regards to children's right to survival and development, most of the countries are now on track to meet the child mortality target of MDG by 2015, although conflict-affected areas and poor regions within better off countries are lagging behind. Between 1990 and 2009, infant mortality rate for the MENA region (including countries not covered through this report) decreased by 44 per cent,

while child mortality decreased by 47 per cent. Statistical analysis confirms a strong relationship between child mortality improvements and the level of female education, illustrating that investments in female education have had a positive impact on child survival and development. Another important factor behind reductions in mortality rates across the region is increased immunisation coverage.

Child malnutrition however remains a significant problem in many of the MENA countries, but has thus far received little attention from policy makers. For example, given the severity of drought and its impact on food insecurity, Syria is not expected to meet the MDG of halving the prevalence of underweight children under five years of age by 2015. The region is also characterised by an extremely low rate of exclusive breastfeeding for infants up to six months, a contributing factor towards child malnutrition.

Although the MENA region has made considerable progress towards improving the health of under-five children, disparities within these countries persist, making this progress inequitable. An analysis of the Concluding Observations of the Committee for the Arab countries confirms that the countries need to pay more attention to decreasing disparities and extending services to vulnerable groups of children. Disparities are generally caused by same factors as those for educational disparities: wealth disparities, disability, gender, and status as children of refugees, internally displaced persons, migrant workers, or stateless persons. In Morocco for example, although infant mortality has fallen in both urban and rural populations over the past 20 years,

the absolute disparity in rates between urban and rural communities have remained the same. Similarly, the right to survival and development of Sahrawi refugee children in Tindouf, Algeria, is fragile; at 62 per 1,000 live births under-five mortality rate is higher than national average: infants are particularly vulnerable to acute diarrheal disease and respiratory infections, exacerbated by inadequate water and sanitation facilities.

The right to health is guaranteed in the legislation of all Arab countries, and is enshrined in regional treaties. In March 2011 the Arab Health Ministers Council launched the Beirut Declaration for Women and Child Health Rights, the first regional declaration affirming the importance of promoting child health. The Arab countries, members of the AU, have also signed up to the African Charter on Human and People's Rights and the African Charter on the Rights and Welfare of the Child, two key regional instruments which protect the right to health.

Despite significant health gains across the region, a number of challenges remain in ensuring the health rights of children and adolescents. Foremost amongst these are striking geographic disparities in the availability of health care. The World Bank reports that there are localised pockets of bad health indicators in countries such as Lebanon, Egypt, Tunisia, Jordan, and Morocco. The issue of disparities in the availability of health care has been consistently raised by the Committee in its review of periodic reports submitted by Arab countries on the implementation of the Convention. To give an example, in 2006, in its review of Jordan's periodic report, the Committee expressed concern at de

facto discrimination against children living in remote areas and questioned whether the resources allocated for the delivery of basic services like healthcare were sufficient to meet the needs of vulnerable children outside the capital. Similarly while Syria's National Plan to Combat Disability, adopted in 2008, represents an important policy step in the process of improving healthcare for children living with disabilities, including through the provision of free rehabilitative and therapeutic services – access to health care of children living with disabilities is still be restricted.

One area where very little progress has been achieved is the right of children and adolescents to sexual and reproductive health care services and information. This is all the more important as there are indications that the prevalence of HIV/AIDS, although relatively low in Arab countries, is set to rise, unless preventive measures are put in place. Too often, however, youth sexual and reproductive health promotion is excluded from national health policies and programmes of MENA countries, despite repeated recommendations by the Committee. In general, gender and age disaggregated data on issues pertaining to sexual health in particular are rare in the region. Available data does indicate that adolescents' access to sexual and reproductive health information and services is limited and that many girls and boys demonstrate low level of knowledge, including on sexually transmitted infections. Other emerging child and adolescent health challenges that have not received adequate government attention are mental health of adolescents, accident, including road accident prevention, and the rising rates of child obesity, especially in Gulf countries.

Children in the region continue to face significant gaps in protection under emergencies. Armed conflicts continue to scar children's lives in a region marked by political volatility and massive displacements of persons. Added to long term political insecurity in the oPt, Iraq, and Yemen – and decades of political violence experienced by Algeria and Lebanon – the Arab Spring of 2011 has also unleashed civil strife in Libya, Bahrain, and Syria, and heightened protection risks for children. Across the region, there is an urgent need for improved protection of the rights of children and adolescents under emergencies.

The region both hosts and produces millions of internally displaced persons (IDPs) and refugees. The region is home to nearly 5 million Palestinian refugees registered with the United Nations Relief and Works Agency for Palestine Refugee in the Near East (UNRWA) in its five areas of operation (West Bank, Gaza, Jordan, Lebanon, and Syria). The political and economic situation, national policies regarding refugee status, and the level and possibility of access to governmental services in the hosting countries strongly influence the quality of life and educational and health status of Palestinian refugee children. In general, poverty, unemployment and poor social security are constant issues among Palestinian refugees, according to UNRWA. Poverty rates of refugees are particularly high in Lebanon, where Palestinian refugees face the most severe restrictions in accessing labour market, services, and property. According to a recent survey, children are particularly vulnerable to poverty, with estimates of up to 70 per cent of children and adolescents living in poverty, and 9 per cent in extreme poverty. Palestinian refugees are also highly vulnerable to displacement, especially in conflict-prone Lebanon and Gaza, and countless children subsequently suffer from trauma and mental distress.

Over 1.5 million Iraqis remain displaced within their own country and a million Iraqi refugees live in neighbouring countries. The three countries hosting the largest numbers of Iraqis registered with United Nations Refugee Agency (UNHCR)



are Syria, Jordan, and Lebanon. While the degree to which the countries respect the need of refugees to be protected varies, in all the countries there is a growing need for mental health and psychosocial support amongst refugee communities. Psychological stress and the need for psycho-social and mental health services appear to be intensifying as the length of stay in the country of asylum is prolonged. In Yemen, over 325,000 persons have been displaced by consecutive wars in the north of the country, and the country is also host to over 190,000, mainly Somali, refugees registered with UNHCR, while an estimated 165,000 Sahrawi refugees have been residing in Tindouf camps in Algeria, some for nearly two decades.

While welcoming refugees, the MENA countries have important strides to make in improving the protection climate. With the exception of Algeria, Egypt, and Morocco, the MENA countries are not signatories to the 1951 UN Refugee Convention and its 1967 protocol. Even signatory countries, however, have not put in place domestic refugee or asylum legislation consistent with international standards. The absence of national legislation on the treatment of refugees in most of the countries of asylum continues to present challenges for the displaced and the humanitarian agencies that work with them.

In oPt and Iraq, the respect of the principle of humanitarian access has been denied or access to humanitarian actors rendered difficult by violence, insecurity absence of law and order. In Yemen, this has been compounded by negligible humanitarian access to conflict-prone areas, particularly those not under government control, and the presence of land mines and unexploded

ordnance which have rendered access even more problematic. One of the gravest violations of children's rights is the recruitment and use of children by armed forces and groups. In Iraq, according to the UN 2010 report on Children and Armed Conflict, children have been "used to spy and scout, transport military supplies and equipment, videotape attacks for propaganda purposes, plant explosive devices and actively engage in attacks against security forces and civilians", while in Yemen, despite signing of the OPAC and national legislation that prohibits recruitment or direct involvement of children below 18 years of age in armed conflicts, under-age recruitment to the armed forces remains common.

Countless children suffer from grave violations including attacks against schools and hospitals, with detrimental impact on their mental and physical health and development. In Iraq, an estimated 9 per cent of children and adolescents aged between 10 and 19 years have suffered from war-sustained disability, with the northern governorates sustaining the highest disability rates caused by landmines and unexploded ordnance. In the oPt, there have been worrying increases in the number of child casualties and displacement leading to severe disruptions in education, reports the UN: in the first five months of 2011 alone, 332 cases of child injuries were reported and 228 children displaced due to the demolition of their homes. Similarly, the right of children to education and health has been disrupted by destruction of facilities and infrastructure in Yemen: by the end of 2010, 43 per cent of schools in Sa'ada were partially or completely

destroyed and unexploded ordnance and bombs were sighted in educational facilities; over 80 per cent of health-care facilities were damaged. National and international organisations have also expressed deep concerns that the Arab Spring have resulted in breaches to the basic rights to survival, health and education of children, particularly in Syria and Libya where government crackdown has been extremely violent.

Across the region, countries need to better meet their obligations under the Convention and international humanitarian law, and to take all necessary steps to protect children from the direct and indirect effects of violence. Policy, institutional, and legislative environment need to better reflect the needs of children living in emergency situations, and the right to quality education and healthcare need to be integrated in all emergency and response plans, and child participation needs to be incorporated into national disaster strategies.

State parties are the primary duty-bearers for the realisation of the rights guaranteed under the Convention and have assumed the obligation to respect, protect and fulfil the rights enshrined in the Convention. In the MENA region, State parties need to ensure that they are respecting all the Concluding Observations and recommendations of the Committee. Adequate budgets for children's rights, comprehensive policies to tackle wealth inequalities, discrimination including of the girl child and children living with disabilities, enhanced support, regularisation or naturalisation of stateless persons, combined with improved monitoring and oversight through better data collection, analysis and use, adequate resourcing and

upgrading of personnel are required for government bodies responsible for childhood development and protection to set the foundation for respecting and fulfilling child rights.

While national governments are the primary duty-bearers, civil society organisations (CSOs) have a crucial role to play in the monitoring and implementation of the Convention, as CSOs can provide critical and evidence-based analysis on the implementation of the Convention, including through presenting alternative reports to complement the State Report. Across the region, there is greater scope for CSOs capitalise on the Convention reporting mechanism to voice their concerns, to focus attention on a particular, persistent problem with the aim of obtaining specific recommendations from the monitoring body, or to enable children's voice to be heard. Advocacy initiatives such as the production of policy papers and position statements on child rights, monitoring the implementation of relevant government plans and budget allocations, delivery of training sessions on child rights monitoring, thematic campaigns, are some of the mechanisms that can be used by CSOs working on child rights, to lobby relevant duty bearers to ensure that the Convention principles and provisions are respected in law and practice.

In general, however, the legal and regulatory system for the establishment and operation of civil association is inhibitive in the Arab region, hindering the exercise of the right to association. Although restrictions facing CSOs vary from country to country, they generally include tight restrictions on the sources of funding and state power to dissolve or suspend organisations. Even in countries

such as Egypt, with a flourishing civil society of over 16,000 registered associations, the regulatory environment is generally restrictive. For CSOs to be able to deliver social services, conduct efficient social action, or influence public policy in favour of child rights fulfilment, the legislative and operational environment needs to be enhanced. Furthermore, the participation of children in national plans and policies needs to be promoted to empower children in their own development and protection. Although there have been a number of initiatives to enhance child participation, mainly through the establishment of Child Parliaments and Forums, children are still not being perceived as subjects of rights with the capacity to claim their rights. There is untapped potential to expand opportunities for adolescents to participate and voice their opinion, through for example, youth councils or forums, community organisations, online activism and other forms of social digital media which would enable adolescents to make their voices heard.

The challenge for governments across the region is to build on the progress achieved, working together with civil society organisations, including child groups, international, regional, and national agencies and media, to reach out to those children and adolescents who are still being denied their rights to protection, education, survival and development, and health.



List of Acronyms

ACCD	Arab Council for Children and Development
ACRWC	African Charter on the Rights and Welfare of the Child
AGFUND	Arab Gulf Fund for United Nations Development Organizations
AU	African Union
CPI	Child Protection Initiative
CRC	Convention on the Rights of the Child (Convention)
CSO/CSOs	Civil Society Organisation/Civil Society Organisations
EFA	Education for All
ERW	Landmines and explosive remnants of war
FGM	Female Genital Mutilation
GCC	Gulf Cooperation Council
HDI	Human Development Index
HIV/AIDS	Human immunodeficiency virus/ Acquired immunodeficiency syndrome
IBCR	International Bureau for Children's Rights
INGO/INGOs	International Non-Governmental Organisations
ILO	International Labour Organisation
IDP	Internally Displaced Persons
MDG	Millennium Development Goal
NGO/NGOs	Non-Governmental Organisation/ Non-Governmental Organisations
OAU	Organisation of African Unity
OIC	Organisation of the Islamic Conference
OPAC	Optional Protocol to the Convention on the Involvement of Children in Armed Conflict
OPSC	Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography
MAP	Medical Aid for Palestinians
MENA	Middle East and North Africa
MSF	Médecins Sans Frontières
NCCI	NGO Coordination Committee in Iraq
oPt	occupied Palestinian territory
PA	Palestinian Authority
SCS	Save the Children Sweden
SCUK	Save the Children United Kingdom
SCUS	Save the Children United States
U5MR	Under-five mortality rate, child mortality rate
UAE	United Arab Emirates
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Economic, Social and Cultural Organisation
UNHCR	United Nations Refugee Agency/ Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOHCHR	Office of the United Nations High Commissioner for Human Rights
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNVAC	United Nations Study on Violence Against Children
UPR	Universal Periodic Review

Section I: Regional Analysis

Regional Political Trends, Actors Analysis and Common Trends: Right to Protection, Right to Education, Right to Survival and Development, Right to Health, Refugee Rights



1. Political Developments and Implications on Child Rights

The collective actions of the people of North Africa and the Middle East have reaffirmed the importance and universality of human rights in a way we could not have dreamed of on 1 January this year...it is a message {of}... renewed hope in the power of people to realise change, Navi Pillay, United Nations High Commissioner for Human Rights.¹

A lone man setting himself on fire in Tunisia, after an official prevented him from selling vegetables, struck a chord with hundreds of thousands across the Middle East and North Africa (MENA) and unleashed the Arab Spring of 2011.² Nearly all the Arab countries have all been rocked by protests, unrest and uprisings, which have often been met with violent and repressive government reactions. Recent events have illuminated Arab governments' preoccupation with their own political security and the "neglect of their people's human security and failure to uphold the human rights on which that depends", Amnesty International reports.³ Common regional factors which have triggered these events include high incidences of unemployment, particularly youth unemployment, lack of social justice, rampant wealth inequalities, failure of democratic governance, and the growth of communication including new social media, which has fostered increased social engagement.⁴

In Tunisia and Egypt, the uprisings led to the rapid downfall of regimes. In Tunisia, following 28 days of protests, the former president, Zine El Abdine Ben Ali, fled to Saudi Arabia on 14 January 2011, ending 23 years in power, while in Egypt, the 25 January Revolution led to the ousting of Hosni Mubarak on 11 February. Elsewhere, violent confrontations between pro

and anti-government forces were ongoing in Libya, Syria, Bahrain and Yemen (at the time of writing of this report). Sporadic protests have also occurred in Algeria, Jordan, Iraq, Kuwait, Lebanon, Morocco, Oman, and Saudi Arabia.

In the immediate term, the Arab Spring has brought violations of rights, including child rights, to the forefront of international attention. Political developments have heightened protection risks for children. Many of the protestors are reported to be of young age, reflecting the demographic profile of the region, where over 40 per cent of the population are below the age of 18.⁵ In all the Arab countries that have experienced protests, demonstrations, children have not been sufficiently protected. In many of the countries, children have been reported to be participating in street protests, on their own or with their families. Eyewitness account suggests that children participated in violent clashes in Egypt, and have been caught up in political violence in Libya, leaving them vulnerable to injury and psychological trauma, according to Save the Children.⁶

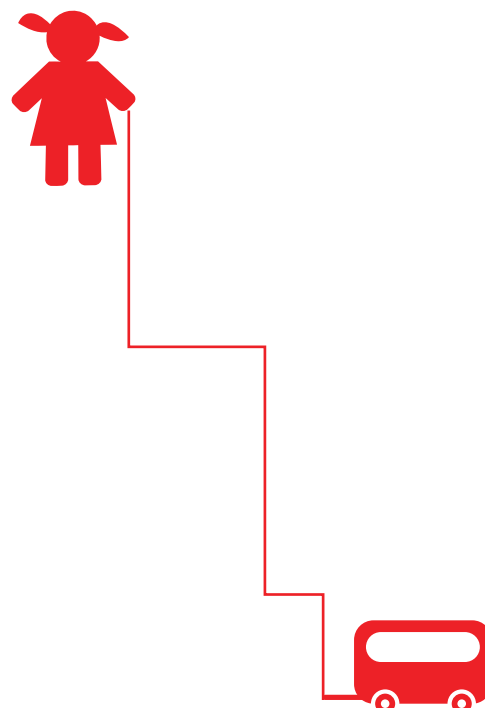
5-2004 figures, total Middle East and North Africa population estimated at 371.3 million, and total child population 153.6 million, UNICEF, 'State of the World', 2006 http://www.unicef.org/sowc06/pdfs/regional_stat_sum_s21_mena.pdf
6-Save the Children UK, 'Egyptian children caught up in violent clashes are at risk', 3 February 2011, <http://www.savethechildren.org.uk/en/14868.htm>

1-UN News Centre 'Arab Spring shows human rights are for everyone, everywhere – UN official', 30 June 2011, <http://www.un.org/apps/news/story.asp?NewsID=388=98&Cr=north+africa&Cr1>

2-For chronological information on the Arab Spring, see the Guardian, 'Arab Spring: an interactive timeline of Middle East protests', <http://www.guardian.co.uk/world/interactive/2011/mar/22/middle-east-protest-interactive-timeline>

3-Amnesty International, 'State of the Worlds Human Rights Annual Report 2011', 2011

4-ILO, 'Challenges in the Arab World: An ILO Response', 2011 <http://www.ilo.org/public/english/bureau/pardev/download/development/mena/mena-strategy.pdf>



Although accurate information is hard to obtain, there are reports that hundreds of children have been killed or injured in clashes in Yemen and Syria. In Bahrain, the Bahrain Centre for Human Rights reports that the deterioration of human rights situation in the country has adversely impacted upon children and that children have become victims of Bahraini regime excessive use of force.⁷ In response to political unrest in Bahrain, the United Nations (UN) Committee on the Rights of the Child (Committee) in its 2011 Concluding Observations expressed its deep concerns that children have not been sufficiently protected during the recent political unrest and protests that have swept across the country, and called upon the country to strengthen its legal and institutional system for the protection and promotion of the rights of the child, especially those in contact with the law.⁸

In response to the events in Egypt, the Committee has also urged the country to strengthen its protection of the rights of the child during this critical transitional period towards democratic governance.⁹ The Special Representative of the Secretary-General on Violence against Children has called upon the government of Syria to ensure the protection of all children from violence, in accordance with its obligations under the United Nations

Convention (Convention) on the Rights of the Child and the commitments it has undertaken in the Marrakesh Declaration, adopted in December 2010 by the Fourth Arab High Level Conference on the Rights of the Child.¹⁰

The United Nations Children's Fund (UNICEF) has also been urging all parties to meet their obligations under the Convention and international humanitarian law, and to take all necessary steps to protect children from the direct and indirect effects of violence.¹¹ National and international organisations have also expressed deep concerns that the events have resulted in breaches to the basic rights to survival, health and education of children. In Yemen, this has been compounded by negligible humanitarian access to conflict-prone areas, particularly those not under Government control, and the presence of land mines and unexploded ordnance which have rendered access even more problematic.¹² In Libya likewise, restricted access to the country has limited the humanitarian community's ability to assess needs and develop a meaningful understanding of the situation inside, according to the UN.¹³

The broader impact and implications of these events on child rights will fully unfold in the coming months and years. In the aftermath of

7-Bahrain Centre for Human Rights, 'Violations of the Rights of the Child worse than Ever: Deaths by Excessive Force, and Military Trials at Age of 15', 29 May 2011, <http://www.bahrainrights.org/en/node/4186>

8-Committee on the Rights of the Child, 'Concluding Observations: Bahrain', CRC/C/BHR/CO/2-3, Advanced Unedited Version, 17 June 2011

9-Committee on the Rights of the Child, 'Concluding Observations: Egypt', Advance Unedited Version, 20 June 2011

10-Office of the Special Representative of the Secretary-General on Violence against Children 'SRSG Santos Pais calls 3 June 2011 upon Syria to protect children from violence',

11-UNICEF, 'Statement by UNICEF Executive Director Anthony Lake on situation of children in the Middle East and North Africa', 20 April 2011, http://www.unicef.org/media/media_58332.html

12-UN OCHA, 'OCHA in Yemen', <http://www.unocha.org/where-we-work/yemen>

13-UN OCHA, 'Regional Flash Appeal for the Libyan Crisis', 18 May 2011, <https://docs.google.com/>



the Arab Spring in Tunisia and Egypt, relief and development agencies have been supporting countries to transition to new forms of government. “What that will ultimately look like is still a work in progress”, claims the World Bank.¹⁴ There are high expectations that new forms of governments in the MENA region will be more accountable and responsive to its citizens, including children, than previous regimes. The UN proclaims “there are moments when historic, transformational change is possible. This is one of those moments in the Arab States”¹⁵ underlying the hope that this transition will create opportunities for improved respect for human rights. As they are embracing political reforms, the countries have an opportunity to put in place policies that effectively address children’s need. However, whether the turmoil in the Arab world will yield concrete progress toward fulfilment of child rights is unclear. When asked about their expectations for the future political climate and security after transition, young Egyptians showed cautious optimism with 63 per cent of them expecting the political and security situation to be slightly better in the future. Expectations over economic reforms are stronger, with over 80 per cent of respondents expecting the national economy and their household income to improve over the course of the next year.¹⁶

2. Actors Analysis



2.1 Regional Bodies

2.1.1 League of Arab States

The League of Arab States, often referred to as the Arab League, is a regional organisation, founded in 1945, aiming to strengthen relationships between its 22 member states through political, cultural, and economic cooperation. The full list of members is as follows: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, occupied Palestinian territory (oPt), Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates (UAE), and Yemen. Eritrea, Brazil, Venezuela and India are observer states.

The main bodies within the Arab League responsible for child rights programmes and policies are the Childhood Division at the Administration of Family, Women and Childhood, and the Advisory Technical Committee for Arab Childhood and its Technical Secretariat.¹⁷ The Cairo-based Arab Council for Childhood and Development (ACCD), a non-governmental organisation (NGO) established in 1987 upon the initiative of Prince Talal bin Abdul Aziz, is a permanent member of the Advisory Technical Committee for Arab Childhood.

viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbncwcm90ZWN0aW9uY2x1c3RlcmxpYnlhfGd4OjYwOTljZDg1NjFiZTFiYzM14-World Bank, ‘Justice, Jobs and a Fair Chance for All’, June 2011, <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/0,,contentMDK:22951704~pagePK:146736~piPK:146830~theSitePK:256299,00.html>

15-UNDP, ‘Clark on Jobs, Equity and Voice: Economic and Political Inclusion’, 6 April 2011, <http://content.undp.org/go/newsroom/2011/april/clark-jobs-equity-and-voice-why-economic-and-political-inclusion-matter.en>

16-IOM, ‘Egypt January 25 events have only a limited impact in the migration intentions of Egyptian youth, who remain relatively optimistic about the future of their country’, 2011

17-Unless otherwise stated information is extracted from League of Arab States website, <http://www.arableagueonline.org/las/index.jsp> (Arabic)



Since the 1990s, the Arab League has developed and adopted a number of policy documents, frameworks and treaties that aim to promote child rights in the Arab world. Four Arab High Level Conferences on the Rights of the Child have thus far been convened (as of June 2011). The first Conference was held in 1992 in Tunis, the outcome of which was the ‘Arab Plan for Child Survival, Protection, and Development’.¹⁸ In July 2001, the Arab League convened the Second Conference, which concluded with the declaration for the period 2001-2010, entitled ‘An Arab World Fit for Children: Mechanisms for Joint Arab Action’ and an ‘Arab Common Position’¹⁹ mirroring the ‘World Fit for Children’ outcome document of the United Nations (UN) Special Session on Children. The Third Arab High Level Conference was held in Tunisia in 2004²⁰ and concluded with the adaptation of the ‘Second Arab Plan of Action for Children: 2004-2014’, a document that identifies strategies for achieving the Millennium Development Goals (MDGs) and improving the situation of children in the region.²¹ The three-day event was held in Marrakesh in December 2010, under the title of ‘strengthening the partnership for the advancement of Arab children conditions’, and a range of partners, including the United Nations Children’s Fund (UNICEF), the United Nations (UN) Secretary-General’s Special Representative on Violence against Children, and representatives from civil society organisations (CSOs) participated. It focused on the progress achieved in of the implementation of the Second Arab Childhood Plan for Childhood at the national and regional levels, and concluded

with the ambitious Marrakesh Declaration.²²

This latest Declaration, which reaffirms the commitments of the Arab countries to the values and principles of the United Nations Convention on the Rights of the Child (Convention) and its two Optional Protocols, commit the Arab League to promote child rights under emergencies (developing a framework of action for the protection of children living under Israeli occupation in the oPt and Syrian Golan, and mechanisms of addressing the negative impact of armed conflict on children), right to health (expedite national efforts exerted in the field of child health care to ensure child survival and development, promote HIV/AIDS awareness-raising and extension programmes and services), right to education (accelerate national efforts exerted for attaining the goals of ‘Education for All’, take action to strengthen the Arab child’s sense of belonging, comprehensive and integrated care and development approach for early childhood, reduce the percentage of drop-outs), child protection (strengthen protection programmes by developing strategies to combat all forms of violence against children, enforce existing legislations and promulgate laws that incriminate the violation of the rights of the child and protect the child against all forms of exploitation, violence, combat child labour, establish programmes that provide services for the prevention of violence against children), and child participation (through the establishment of Child Parliaments) and non-discrimination (particularly of children living with disabilities).

18-United Nations General Assembly ‘Progress at Mid-Decade on Implementation of General Assembly resolution 45/217 on the World Summit for Children, Report of the Secretary-General’, 26 July 1996

19-UNICEF, ‘Arab High Level Conference on the Rights of the Child Concludes in Cairo’, July 2001, www.unicef.org/specialsession/.../arab-conference-2-4-july-01-eng.doc this declaration was later adopted at the Beirut Summit of March 2003.

20-League of Arab States, ‘Third Arab High Level Conference On the Rights of the Child Final Report, Recommendations and Resolutions, The Tunis Declaration, Youths Statement’, January 2004

21- League of Arab States, ‘Draft Arab Action Plan on Childhood (Ten-Year Plan)’, August 2003

Other child-related events which took place during the period 2009-2010 include the Advanced Meeting on the Status of Women and Children in Arab legislation (Cairo, May 2010) and the Ordinary Ministerial Session 84, which included recommendation on setting up of Arab Parliament for Children (Cairo, March 2009). Most recently, in June 2011, with support from Save the Children and World Bank, an Arab Regional Conference on ‘Children’s Rights to Education under Emergencies’, was organised urging for concerted efforts to provide education for children in countries

22- League of Arab States, ‘Marrakesh Declaration: Fourth Arab High Level Conference on the Rights of the Child Marrakech’, 19-21 December 2010, http://www.childsrightrights.org/html/site_fr/cnews/userfiles/file/Marrakech_Declaration%20English%20final%20version.pdf



facing crises and disasters.

The increased commitment of the Arab League to work with a wide range of stakeholders in the promotion of child rights is to be welcomed. For example, in preparation of the Forth Conference, a Civil Society Forum (February 2010), a Media Forum (May 2010) and a Youth Forum were held (July 2010) to involve various actors in the Second Arab Childhood Plan. The extent to which civil society however effectively participate in decision-making with the framework of the Arab League is restricted.

How effective declarations and meetings of the Arab League have been in improving child rights is debatable. While the countries have endorsed the decade-long Arab Plan of Action for Children, information on its implementation at the national level is limited, and mechanisms for monitoring countries' progress remain inadequate. The Marrakesh Declaration of December 2010 commits the Arab League to update the Plan to include "well-defined goals, fixed time-frames, and subject to assessment, monitoring and follow-up". The Committee for Arab Childhood, which is responsible for proposing policies and plans in compliance with regional and international charters, is tasked with producing reports every two years on the status of Arab children and indicators of performance. Although more extensive research is needed on monitoring and reporting mechanisms of the Arab League, it appears that these reports are either not being produced or are not diffused to the general public.

The main regional human rights instrument initiated by the Arab League is the Arab Charter on Human Rights. The Arab Charter on Human Rights, introduced in September 2004, was only ratified by one state, Jordan, and never came into force. It was heavily criticised by experts, CSOs and academics, as falling far short of international standards.²³ In response, the Arab League proposed a new version more in line with international human rights frameworks. The Amended Arab Charter on Human Rights (Charter) was adopted during the 16th Ordinary Session of the Arab Summit which was held on 23 May 2004 in Tunis. The Charter entered into force on 15 March 2008, 60 days after ratification by the seventh state, the United Arab Emirates, on 15 January 2008.²⁴ The seven states that ratified the Charter are Algeria, Bahrain, Jordan, Libya, the oPt, Syria, and the UAE. Since the Charter came into force, Qatar, Saudi Arabia, and Yemen have also ratified

²³-For the history of redrafting of the Arab Charter on Human Rights, see Amnesty International 'Re-drafting the Arab Charter on Human Rights: Building for a better future', 11 March 2004

²⁴-Child Rights Information Network (CRIN), 'Arab Charter on Human Rights', <http://www.crin.org/Law/instrument.asp?InstID=1267>



the Charter.²⁵ If ratified by all of the 22 Member States of LAS by 2015, the Charter will potentially affect some 395 million people.²⁶

The Charter is a regional instrument that protects civil, cultural, economic, political and social rights and includes articles specifically promoting and protecting child rights. Article 10(b) of the Charter bans the exploitation of children in situation of armed conflicts. Article 29(b) on the right to nationality urges States parties to enable children to acquire the nationality of their mothers. Article 33(b) of the Charter adopts a ban on all forms of violence and abuse against women and children within the family. Article 34(c) on child labour recommends States parties to adopt legislative measures ensuring the protection of children against economic exploitation, hazardous work, and work that is obstructing the child's education, or is detrimental to the child's healthy development. As for juvenile justice, Article 17 of the Charter is consistent with the minimum protection standards contained in Convention Article 40.

The Charter has been criticised as not being entirely consistent with international human rights standards, and not at par with UN treaties and conventions signed by Member States. Concern has been expressed by the UN High Commissioner for Human Rights²⁷ as well as civil society groups the protection of the rights of the child in the draft Charter falls short of internationally agreed human rights standards, particularly the right to life. Article 7 of the Charter does not fully prohibit the use of the death penalty against persons below the age of 18. In addition, the right to education is limited to child citizens according to Article 41(b), which states that Member States "shall guarantee every citizen free education at least throughout the primary and fundamental levels. All types and levels of primary education shall be compulsory and accessible to all without discrimination of any kind". Amnesty International has also pointed out that the Charter does not ensure that the victims of violations of human rights have the possibility of obtaining all five forms of reparation (restitution, rehabilitation, compensation, satisfaction, and guarantees of non-repetition) to which victims are entitled.²⁸

One of the main criticisms of the Charter has been the lack of effective enforcement mechanism. And as such, in March 2009, the Arab Human Rights Committee was established as the treaty body for monitoring the implementation of the Charter, and under Article 45, State Parties undertake to submit reports on the measures they have taken for the realisation of rights enshrined in the Charter. In October 2009, Amnesty International, the International Federation for Human Rights, the Arab Organisation for Human Rights and the Cairo Institute for Human Rights Studies met with the Arab Human Rights Committee to discuss civil society engagement in the work of the Committee.²⁹ Whether Arab civil society will engage with the Arab Human Rights Committee in a similar way to international systems, for example, through submitting alternative or shadow reports to national reports prepared by governments, or through engaging in constructive debates on human rights, is yet to be determined.

2.1.2 Organisation of the Islamic Conference (OIC)

The Organisation of the Islamic Conference (OIC) was founded on 25 September 1969 in Rabat, Morocco. Since its founding, the OIC has expanded from 30 to 57 countries, making it the second largest multilateral organisation in the world, after the United Nations (UN).³⁰ OIC Member States

25-International Centre for Not-for-Profit Law, 'League of Arab States', http://www.icnl.org/knowledge/ngolawmonitor/arab_league.htm, 22 April 2011

26-Mervat Rishmawi, 'The Arab Charter on Human Rights and the League of Arab States: An Update', undated, <http://hrlr.oxfordjournals.org/content/10/1/169.extract>

27-UN News Centre, 'Arab Rights Charter Deviates from International Standards, says UN official', 30 January 2008, <http://www.un.org/apps/news/story.asp?NewsID=25447&Cr=human&Cr1=rights>

28-Amnesty International, 'Re-drafting the Arab Charter on Human Rights: Building for a Better Future', 11 March 2004

29-FIDH, 'Human Rights Organisations and Arab Human Rights Committee Engage in Constructive Engagement', 21 October 2009, <http://www.fidh.org/Human-Rights-organizations-and-Arab-Human-Rights>

30-Unless otherwise stated, information is based on OIC website, <http://oic-info.org/?q=human-rights>



account for a quarter of the world's 2.3 billion children, in nations spanning across Africa, Asia and the Middle East and North Africa (MENA).³¹ In the MENA region, Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, occupied Palestinian territory (oPt), Qatar, Saudi Arabia, United Arab Emirates and Yemen are members of the OIC.³²

In 2008, the OIC adopted a new human rights-based Charter calling for “support for the rights of peoples” as stipulation in international law and the promotion and protection of “human rights and fundamental freedoms including the rights of women, children, youth, elderly and people with special needs as well as the preservation of Islamic family values”. Under Article 15 of the OIC Charter, the OIC is set to establish an Independent Permanent Commission on Human Rights to promote the civil, political, social and economic rights enshrined in the organisation's declarations – including the 1990 Cairo Declaration on Human Rights³³ – and in international human rights instruments. In June 2011, more than 230 civil society organisations (CSOs) called on the OIC to ensure that the new human rights body it is establishing is transparent and guarantees the right of civil society participation.

The 1994 Declaration on the Rights and Care of the Child in Islam marked the first occasion that an OIC Summit had approved a declaration on children.³⁴ The Eighth Session of the Islamic Summit, held in Tehran in 1997, reaffirmed OIC's commitment to child issues and called upon the Member States to put in place measures for the protection needs of children, including children in zones of violent and persistent conflicts, refugee and displaced children by meeting their

31-UNICEF Media Centre, ‘Conference on Islamic Child’, 7 November 2005

32-The full list of members is available at http://www.oic-un.org/about_oic.asp#Members

33-The OIC has stated that the Cairo Declaration is not an “alternative” to the 1948 Universal Declaration but “complementary as it addresses religious and cultural specificity of Muslim countries”. A number of human rights organizations have criticised the Islamic Shariah based-Cairo Declaration as eroding rights, particularly right to religion, right to freedom, principle of non-discrimination, specifically of girls, women and non-Muslims.

34-UN General Assembly ‘Report of the Secretary General Cooperation between the United Nations and the Organisation of the Islamic Conference’, 17 October 1995, <http://www.un.org/documents/ga/docs/50/plenary/a50-573.htm>

Children take part in recreational activities at a Child Friendly Centre in the Gaza Strip



physical and moral needs, paying attention to their education and helping restore them to normal living.³⁵ Since then, the OIC has issued a number of declarations and resolutions emphasising the rights of children, and child welfare and protection have regularly featured on the agenda of the OIC Islamic Summits, including Resolution on Child Care and Protection in the Islamic World (2000)³⁶, Child Care and Protection in the Islamic World (2003) the Covenant on the Rights of the Child in Islam (2005)³⁷ and Rabat Declaration on Children in the Islamic World (2005).³⁸

Launched in 2005, the Ten-Year Programme of Action to Meet the Challenges facing the Muslim *Ummah* in the 21st Century³⁹ states, amongst others, that “in the social field, it is imperative to focus on the rights of women, children and the family”. One of its aims is to strengthen child rights and it specifically mentions the right of children to access free and quality basic education and to enjoy highest possible level of health and to be protected from all forms of violence and exploitation. A more thorough assessment is needed on the implementation of the plan at the national and regional levels, and mechanisms available for CSO to participate in monitoring and reporting.

To mark the 20th anniversary of the Convention, the Cairo Declaration on the Convention on the Rights of the Child (Convention) and Islamic Jurisprudence, was adopted at a 2009 conference in Cairo, co-sponsored by the OIC.⁴⁰ The Conference recognised that the 20th anniversary of the Convention provides an opportunity for OIC members to renew their commitment to the realisation of child rights, “for all children without discrimination, including on the basis of gender, to be guided by the best interests of the child, to ensure children’s survival and development and to involve children meaningfully in decision-making processes...with special emphasis on the contribution of principles of Islamic *Shariah* in fostering the purposes and objectives of this Convention”.⁴¹ Specifically, the Declaration calls upon OIC countries to withdraw all reservations to the Convention, given the compatibility between *Shariah* and Convention principles, and to ratify the two Optional Protocols to the Convention. As per the recommendations of the Committee on the Rights of the Child (Committee), the Declaration also called upon countries to make expenditure on the rights of the child visible in their annual national budget, to promote the principle of non-discrimination, including of children born out of wedlock, to urgently review and reform their legislation to ensure the prohibition of all forms of violence against children, to raise the age of marriage of girls to 18, to criminalise all harmful acts against children, including female genital mutilation (FGM), and to reform juvenile justice system.

With support from Save the Children Sweden, child participation in this Conference was facilitated through the establishment of a Children’s Forum, sponsored by the Egyptian Ministry of State for Family and Population. During the two day Forum, in which 40 children from 10 countries participated⁴², children considered issues around non-discrimination, child participation in the public sphere, best interest of the child, and survival and development (violence against children) and proposed recommendations.⁴³

As of April 2011, discussions between the OIC and UNICEF on “formalising their partnership through specific initiatives linked to the Millennium Development Goals (MDGs)”, as part of

35-Resolution N. 14/8-C (IS) on Child Care and Protection in the Islamic World.

36-Resolution No. 16/9-C (IS), <http://www.oic-oci.org/oicnew/english/conf/is/10/10%20IS-CS-E.htm>

37-The Covenant on the Rights of the Child in Islam is available at: <http://www.oic-oci.org/oicnew/english/convention/Rights%20of%20the%20Child%20In%20Islam%20E.pdf>

38-The Rabat Declaration is available at: http://www.adeanet.org/trans/Marie/novembre05/Rabat_decla_eng.pdf

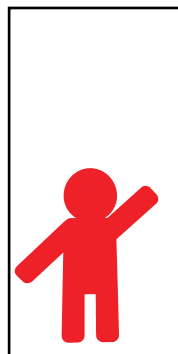
39-OIC, ‘Ten-Year Programme of Action to Meet the Challenges facing the Muslim Ummah in the 21st Century’, 2005, <http://www.oic-oci.org/ex-summit/english/10-years-plan.htm>

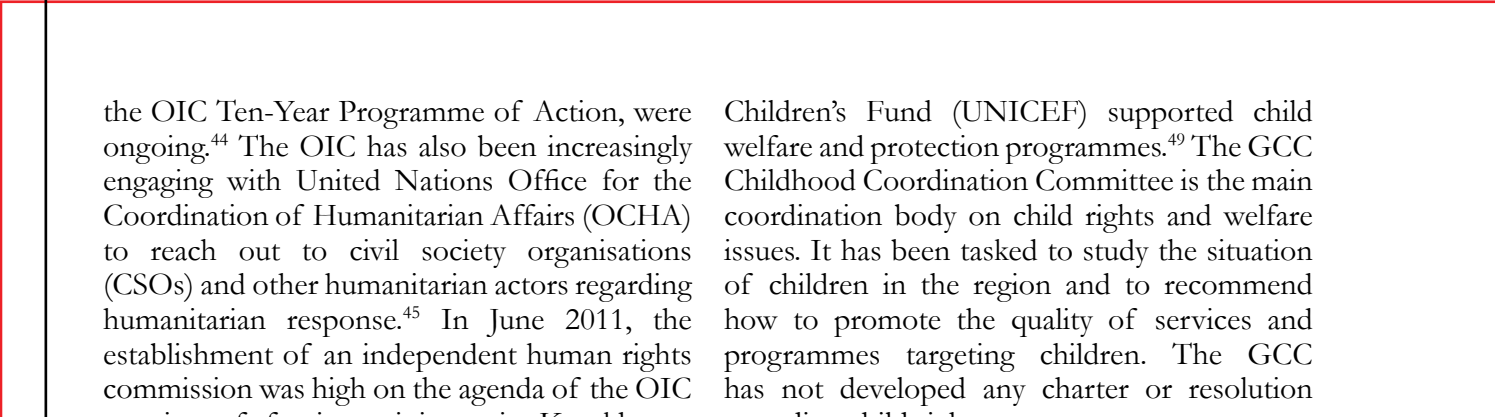
40-Egyptian Ministry of Family and Population and OIC, ‘Cairo Declaration on The Convention and Islamic Jurisprudence Cairo’ 23-24 November 2009, http://srs.violenceagainstchildren.org/sites/default/files/political_declarations/Cairo_Declaration.pdf

41-Ibid.

42-Ibid.

43-Save the Children Sweden, ‘Concept Note: Children’s Participation in the 20th Anniversary of the Convention on the Rights of the Child (CRC)’, Internal Document, 2009





the OIC Ten-Year Programme of Action, were ongoing.⁴⁴ The OIC has also been increasingly engaging with United Nations Office for the Coordination of Humanitarian Affairs (OCHA) to reach out to civil society organisations (CSOs) and other humanitarian actors regarding humanitarian response.⁴⁵ In June 2011, the establishment of an independent human rights commission was high on the agenda of the OIC meeting of foreign ministers in Kazakhstan. The commission's role and means of operations will be defined as will be modes of working with CSOs in delivery of humanitarian assistance. Concrete mechanisms for CSO participation in decision-making process or mechanisms to monitor steps taken by member states on the implementation of Ten-Year Programme or the recently launched Cairo Declaration, have not been clearly outlined.



2.1.3 Gulf Cooperation Council

On 25 May 1981, leaders of the United Arab Emirates (UAE), Bahrain, Saudi Arabia, Oman, Qatar and Kuwait met in the UAE, where they reached a cooperative framework joining the six states to form the Cooperation Council for the Arab States of the Gulf Charter.⁴⁶ The objective of the Cooperation Council for the Arab States, commonly known as the Gulf Cooperation Council (GCC) is to facilitate coordination, integration and inter-connection among the Member States in all fields in order to achieve unity. Morocco and Jordan – although not technically on the coastline of the Gulf – have been invited to join the GCC.⁴⁷

The Supreme Council, composed of the Heads of State of GCC member countries, is the highest authority of the GCC.⁴⁸ The GCC Secretariat General is the main partner for Gulf-wide coordination of United Nations

44-UN General Assembly, 'Resolution adopted by the General Assembly 65/140: Cooperation between the United Nations and the Organization of the Islamic Conference, A/RES/65/140, 5 April 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/520/94/PDF/N1052094.pdf?OpenElement>

45-Ibid.

46-The GCC Charter is available at <http://www.gcc-sg.org/eng/indexfc7a.html?action=Sec-Show&ID=1>

47-Khaleej Times, 'Jordan, Morocco to join GCC', 11 May 2011, http://www.khaleejtimes.com/DisplayArticle09.asp?xfile=data/middleeast/2011/May/middleeast_May233.xml§ion=middleeast

48-Unless otherwise stated, information is extracted from GCC website, <http://www.gcc-sg.org/eng/>

Children's Fund (UNICEF) supported child welfare and protection programmes.⁴⁹ The GCC Childhood Coordination Committee is the main coordination body on child rights and welfare issues. It has been tasked to study the situation of children in the region and to recommend how to promote the quality of services and programmes targeting children. The GCC has not developed any charter or resolution regarding child rights.

The GCC countries, mainly with UNICEF support, have organised regional workshops on child rights, including a regional workshop in 2005 on the implementation of recommendations of the Committee on the Rights of the Child (Committee), and establishing the mechanisms of monitoring and following-up.⁵⁰ In April 2011, GCC launched a new initiative 'Combating AIDS in GCC countries' calling for a collaborative approach to keep HIV prevalence low in the GCC countries. A draft Riyadh Charter has been agreed upon, with recommendations to respond more effectively to HIV/AIDS, including enhancing availability of services to prevent mother-to-child transmission of HIV, develop prevention programmes targeting adolescents, and enacting laws that legislations that preserve the human rights of people living with HIV/AIDS.⁵¹

49-UNICEF, 'Recommendation for funding from other resources without a recommendation for funding from regular resources: Gulf Area sub-regional programme', E/ICEF/2003/P/L.16, 1 July 2003

50-UNICEF 'Gulf Area Office', http://www.unicef.org/gao/resources_3434.html

51-UNAIDS, 'Gulf Cooperation Council Member



Relationship between civil society and GCC is still weak, as demonstrated by an open letter to the GCC prepared by CSOs, human rights leaders, academics and journalists calling for enhanced civil society participation and human rights reforms.⁵²

2.1.4 African Union

The Organisation of African Unity (OAU), the first regional body created in Africa in 1963, was disbanded on 9 July 2002 and replaced by the African Union (AU). The OAU had come under fire for its failure to take action against its Member States' blatant disregard for their citizens' human rights.⁵³ OAU's apparent silencing of civil society groups had weakened its credibility as an organisation committed to the promotion of democracy, reports Human Rights Watch.⁵⁴ In 1999, the heads of the OAU member states issued a Declaration calling for the establishment of an African Union, and the Constitutive Act of the AU was adopted at the Lomé Summit in 2000.⁵⁵ The AU is made up of 53 African member states. Within the Middle East and North Africa (MENA) region, Algeria, Egypt, Libya, and Tunisia are members, as is the Sahrawi Arab Democratic Republic, which Morocco claims as its own territory.⁵⁶ The decision-making body is the AU Assembly of Heads of State.

The AU has explicitly stated its commitment to child issues, and has put 'Children First' on its agenda.⁵⁷ The AU Vision, Mission Statement and Strategic Framework specifically refer to the

States call for Collaborative Approach to Effectively Respond to AIDS', 28 April 2011, <http://www.unaids.org/en/resources/presscentre/featurestories/2011/april/20110428saudiinitiative/>

52- Foundation for Human Security in the Gulf Region, 'Civil society leaders and activists in an open letter to the Gulf Cooperation Council requested reforms in the field of human rights and civil society empowerment in the GCC countries', 14 December 2010

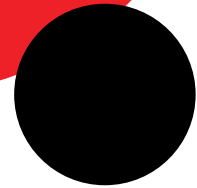
53-Child Rights Information Network (CRIN), 'Introduction to African Union', <http://www.crin.org/RM/au.asp>

54-Human Rights Watch 'World Report 2001: Events of 2000', 2001, <http://www.hrw.org/wr2k1/africa/africa2.html>

55-The Constitutive Act of the African Union is available at http://www.au.int/en/about/constitutive_act

56-Morocco left the OAU in 1984 following the OAU admission of the Sahrawi Arab Democratic Republic as the government of Western Sahara.

57-Bience P. Gawanas, AU Commissioner for Social Affairs 'Celebrating the Day of the African Child – Welcoming Remarks', Workshop on Social protection for Orphans and Vulnerable Children, AU Conference Centre, 16 June 2005



“fight against child labour, child trafficking, and the use of child soldiers”, and aims to ensure child participation.⁵⁸ The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted by the then OAU in July 1990 and entered into force on 29 November 1999.⁵⁹ The ACRWC is the first and only regional treaty child rights in existence and is the most important instrument for children's rights within the AU human rights system.⁶⁰ Algeria acceded to the ACRWC on 8 July 2003, Egypt on 9 May 2001 and Libya 23 September 2000; the Sahrawi Arab Democratic Republic signed the Charter on 23 October 1992, but has yet to ratify it.

The ACRWC largely incorporates the principles and values of the United Nations (UN) Convention of the Rights of the Child (Convention), including non-discrimination, best interests of the child, child survival,

58-African Union 'Commission of the African Union: 2004 – 2007 Strategic Plan', May 2004

59-Organisation of African Unity 'African Charter on the Rights and Welfare of the Child', OAU Doc. CAB/LEG/24.9/49, 1990, http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/a.%20C.%20ON%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf

60-Plan and Save the Children Sweden 'Advancing Children's Rights: A Guide for Civil Society Organisations on how to engage with the African Committee of Experts on the Rights and Welfare of the Child', 2010



development and protection. It also highlights region-specific concerns: most notably, Article 31 of the ACRWC enumerates the responsibility of the child “Every child shall have responsibilities towards his family and society, the State and other legally recognised communities and the international community”, including respecting and caring for “parents and elders at all times” preserving African cultural values and strengthening integrity of the child’s country.

The ACRWC however lacks a number of principles enshrined in the Convention. Namely, provisions related to protection of children in conflict with law do not protect children from life imprisonment without the possibility of release, and do not provide alternative measures to criminal proceedings. In addition, it does not protect children from corporal punishment: Article 20 accords partners the right to administer ‘domestic discipline’ as long as it is in a manner ‘consistent with the inherent dignity of the child’.

The African Committee of Experts on the Rights and Welfare of the Child (African Committee) was established in July 2001 to act as the body responsible for monitoring the implementation and ensuring the protection of the as laid out in the ACRWC. The African Committee, consisting of 11 members, is mandated to collect and document information on children and to cooperate with African, regional and international organisations concerned with child protection and welfare. Member states are requested to provide reports on the implementation of the ACRWC to the Committee according to agreed upon timetable. It reports to the Assembly of heads of state of the AU every two years.

The African Committee also engages a wide range of governmental and non-governmental stakeholders through the celebration of the Day of the African Child (16 June). In 2010, for example, the Day of the African Child was celebrated under the theme ‘Planning and Budgeting for Children’s Welfare: A Collective Responsibility’, highlighting that “a country’s commitment to promoting the rights and welfare of children is not dependent on its economic status but rather on its political will and expenditure priorities”. In 2011, the event focused on ‘All Together for



Urgent Actions in Favour of Street Children’, calling for increased protection of children living in the streets.⁶¹

In April 2009, the first civil society organisations (CSO) Forum on the ACRWC was held in Addis Ababa, Ethiopia and has been held prior to almost every Committee session since.⁶² CSOs are increasingly engaging with the African Committee, although the actual number of CSOs that have been granted observer status is still low, mainly due to slow bureaucratic procedures.⁶³ Civil society is also invited to submit reports (shadow reports) on the implementation of the Charter; children’s groups can participate in the reporting process either through working with national coalitions or their own organisations. The African Committee faces many challenges in fulfilling its mandate, mainly stemming from limited human and financial resources allocated by the AU for its functioning.⁶⁴

The main bodies within the AU Commission responsible for promoting child rights are the Department for Social Affairs, the Women, Gender and Development Directorate, especially with regards to the right of girls, the Health and Social Affairs, especially with regards to economic exploitation of children and HIV and AIDS. Since 2009, the Special Rapporteur on the Rights of Women in Africa has been the focal point for collaboration to further children’s rights in Africa. AU instruments which are significant to child rights are enumerated in the table below.⁶⁵

Table 1: African Union Human Rights Instruments and Implications for Child Rights

Instrument	Implications for Child Rights
African Charter on Human and Peoples’ Rights (Banjul Charter) adopted by the then OAU and entered into force on 21 October 1986.	Protection of child rights is guaranteed in Article 18 “the State shall ...ensure the protection of the rights of women and the child as stipulated in international declarations and conventions”. Article 17 of the Charter also guarantees the right to education
Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, in force since November 2005	The Protocol refers to the protection of the girl child, with specific references to female genital mutilation, early marriage sexual violence, including provision for sanctions against the perpetrators of such practices, and economic exploitation of children.
The African Court of Justice and Human Rights (African Court on Human and Peoples’ Rights, which came into being in January 2004, was merged with the new Court of Justice in 2008). It comes into force once 15 countries have ratified it.	The new Court will have explicit jurisdiction over cases concerning the interpretation and application of the African Charter on the Rights and Welfare of the Child. Furthermore, the African Committee of Experts on the Rights and Welfare of the Child is explicitly permitted to send cases to the new African Court.
African Youth Charter, approved in Gambia in July 2006	The provisions of charter, applicable to adolescents (15-18), integrate principles of participation, non-discrimination, and elimination of all forms of discrimination against girls. It promotes right to education, right to health care and right to be heard.

61-African Committee of Experts on the Rights and Welfare of the Child, ‘Concept Note on the commemoration of the 21st edition of the Day of the African Child on 16 June 2011 under the theme, All together for urgent actions in favour of street children’, undated http://www.streetchildren.org.uk/_uploads/publications/Concept_note_english_-_African_day_of_the_Child.pdf

62-Plan and Save the Children Sweden Advancing Children’s Rights, ‘A Guide for Civil Society Organisations on how to engage with the African Committee of Experts on the Rights and Welfare of the Child’, 2010

63-Ibid.

64-Ibid.

65-African Union ‘Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa’, 11 July 2003, Mozambique; African Youth Charter, <http://www.africa-union.org/root/ua/conferences/mai/hrst/charter%20english.pdf>, African Charter on People and Human’s Rights, http://www.achpr.org/english/_info/charter_en.html

“ Children in a child friendly space set up by Save the Children in Northern Yemen ”



The main child rights documents produced by the AU is the African Common Position on Children – ‘An Africa Fit for Children’, as a contribution to the UN Special Session on Children, which was held in New York in May 2002. The ‘Africa Fit for Children’ included a Plan of Action, aiming to improve the quality of life of children, with concrete goals set out in areas such as universal education for girls and boys, HIV/AIDS prevention, maternal and infant care, child participation and protection of children from all forms of abuse, neglect, exploitation and violence. A mid-term review was conducted in 2007, which resulted in the ‘Call for Accelerated Action on the Implementation of the Plan of Action towards Africa Fit for Children (2008-2012)’. Further research is needed on whether and to which extent CSOs are contributing to its monitoring, including budget monitoring, and its implementation.

2.1.5 Research, Academic Institutions and Media

While international human rights studies are increasingly being incorporated into university curriculum across the Middle East and North Africa (MENA) region, the number of higher education institutions offering child rights studies remains relatively low. An Executive Masters’ Degree Programme was launched by the Arab Institute for Human Rights – a non-governmental organisation (NGO) specialising in human rights education– the Lebanese University and 7 November University in Tunisia, the first of its kind in the region. The Masters Degree programme, launched with the support of the United Nations Children’s Fund (UNICEF), is a part-time two year course that combines residential teaching and distant learning, and focuses on issues such as international legal instruments for issues related to trafficking, sexual exploitation of children, juvenile justice and international adoption.⁶⁶

The Diploma on Public Policy and Child Rights, launched by Jordan’s Hashemite University’s, can also be considered an innovative practice in the MENA. The one-year diploma was initiated in

⁶⁶-UNICEF, ‘MENA Masters on Child Rights Reaches a Successful Conclusion’, 19 December 2006, http://www.unicef.org/infobycountry/media_37810.html



October 2010 with support from UNICEF and the European Union,⁶⁷ and will be rolled out at Cairo University, Assuit University, and the University of Jordan in the 2011/12 academic year. In addition to building a cadre of professionals specialised in the child rights, Cairo University reports that the “the wider objective of the project Diploma Public Policy and Child Rights... is to promote a culture in Egypt and Jordan where children’s rights are respected, protected and fulfilled through improved policies and practices”.⁶⁸

There have also been regional efforts to enhance the capacity of research and academic institutions to work on child rights. The Childwatch International Research Network, a network of institutions and associations involved in interdisciplinary research on issues relating to children’s rights, has facilitated the establishment of MENA Research Network for Children under Difficult Circumstances.⁶⁹ In November 2009, for example, a Regional Training on Research Methodologies was organised for researchers from Syria, Lebanon, Jordan, occupied Palestinian territory (oPt), Oman, Yemen to develop their skills in child research methodologies.

Media is also increasingly being recognised as a powerful tool to raise awareness and behavioural change. For example, in Algeria, Egypt, Jordan, Morocco, and Tunisia national media campaigns have been used to inform adolescents and adults on HIV and AIDS, albeit effectiveness may be limited “by an unwillingness to tackle the more sensitive aspects of HIV, such as the sexual

⁶⁷-For more information on the Diploma on Public Policy and Child Rights in Jordan, see website of Hashemite University, <http://www.hu.edu.jo/dppcr/pages.aspx?PID=19>

⁶⁸-For more information on the Diploma on Public Policy and Child Rights in Egypt, see website of Cairo University <http://www.dppcregypt.com/about/about.html>

⁶⁹-More information on Childwatch International Research Network, see <http://www.childwatch.uio.no/projects/regional-networks/middle-east-north-africa/>



transmission of HIV”.⁷⁰ Similarly, in Saudi Arabia, national media is recognised as a tool to break the silence around child abuse and neglect practices in the country.⁷¹

UNICEF has been promoting the role of media, namely through the Regional Media Awards, launched in 2009, which “rewards excellence in reporting in media on the situation and issues of children in the Middle-East and North Africa”.⁷² Five categories are awarded (TV, radio, print, photograph and on-line (web based) and eligible work can consist of news story, essay, documentary, opinion column. In Iraq, UNICEF has also been working in collaboration with International Research & Exchanges Board (IREX) to strengthen reporting on children’s rights in Iraq. Launched in late 2010, the project aims to train Iraqi media on professional standards for reporting on children as well as to empower children themselves to produce media content, thus enhancing their right to be heard.⁷³ The Arab League has also been increasingly cooperating with media, and convened prior to the December 2010 Fourth High Level Conference on the Rights of the Child, a Media Forum “to review the important role of media in supporting causes related to child rights”.⁷⁴ In its Marrakesh Declaration, the Arab League emphasises the need to develop guiding principles as a reference for ethical media coverage of child-related issues and to establish a mechanism to monitor the impact of media on children.⁷⁵

Media’s growing awareness and promotion of children’s rights issues has been praised in the region. While the rapid growth of the media sector, especially among on-line news providers, is contributing to the diversity of reports available for public consumption, the main mass media outlets remain highly “highly controlled by the government”, in many countries, including Jordan.⁷⁶

2.2 Civil Society Organisations

2.2.1 Regional Follow Up of the Convention of the Rights of the Child

The United Nations (UN) Committee on the Rights of the Child (Committee) has consistently recommended Arab governments to engage civil society more in the monitoring and implementation of the Convention on the Rights of the Child (Convention). Improved coordination between government structures and civil society organisations (CSOs), and enhanced participation of youth and children is crucial to enhance implementation of child rights obligations across the Middle East and North African (MENA) region.

CSOs can provide critical and evidence-based analysis on the implementation of the Convention at the national and regional level. Advocacy initiatives such as the production of policy papers and position statements on child rights, monitoring the implementation of relevant government plans and budget allocations, delivery of training sessions on child rights monitoring, thematic campaigns, are some of the mechanisms that can be used by CSOs working on child rights, to lobby relevant duty bearers to ensure that the Convention principles and provisions are respected in law and practice.

The main monitoring mechanism of the Convention is the alternative reporting process, whereby CSOs are entitled to present alternative reports (often referred to as shadow reports) to complement the State Report or to present an alternative view. In Yemen, for example, an alternative report regarding Yemen’s implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography (OPSC) was

⁷⁰-Population Reference Bureau, ‘Facts of Life: Youth Sexuality and Reproductive Health in MENA’, 2011

⁷¹-M. Al Eissa and M. Almuneef, ‘Child Abuse and Neglect in Saudi Arabia: Journey of Recognition to Implementation of National Prevention Strategies’, in *Child Abuse & Neglect* 34 (2010) 28–33

⁷²-UNICEF, ‘Regional Media Award 2010 on Child Rights’, 24 February 2010

⁷³-UN Assistance Mission for Iraq, ‘Newsletter Issue n.8, December 2010 - January 2011’, 2011

⁷⁴-League of Arab States, ‘Marrakesh Declaration: Fourth Arab High Level Conference on the Rights of the Child Marrakech’, 19-21 December 2010

⁷⁵-Ibid.

⁷⁶-Oula Farawati, ‘Press Freedom in Jordan A-OK, Govt Says’, *Menassat*, 23 July 2008



prepared by Democracy School on behalf of the Children's Parliament,⁷⁷ thereby enhancing the participation of child groups themselves in the monitoring of the Convention. Article 12 of the Convention specifically relates to children's right to participate, and all across the Arab region, there is greater scope to capitalise on the reporting mechanism to enable children to voice their concerns. CSOs can also use the reporting process to focus attention on a particular, persistent problem with the aim of obtaining specific recommendations from the monitoring body. This is the case for example of IBFAN (International Baby Food Action Network) and Bahrain. IBFAN, in its 2011 Alternative report on Bahrain stated that although the Committee had made no recommendations in 2002 on infant and young child feeding, this remains a critical issue in Bahrain; in its 2011 Concluding Observations, the Committee issued specific recommendations regarding breastfeeding.

There is greater room for CSOs, including child groups, to become more active in the monitoring of the Convention. For example, national CSOs have not submitted alternative reports in Tunisia, Oman, and Syria. In addition, the extent to which CSOs systematically monitor and follow up on the implementation of the Convention in between reporting period needs further assessment. Once the alternative reports are issued, few CSOs appear to prepare position papers to highlight the extent to which the Committee's Concluding Observations have reflected their concerns and more broadly whether government policies and strategies are implementing the Committee's recommendations.

In addition to national level monitoring, there is also a need for CSOs to become more engaged in the follow of the Convention at the regional level, by networking to increase the exchange of expertise on the regional level, sharing information on reporting mechanisms and by organising regional workshops. A welcome initiative to strengthen the capacity of CSOs in the region to monitor the implementation of the Convention and its Optional Protocols has been launched by the International Bureau for Children's Rights (IBCR) and Save the Children Sweden. A regional network, Manara, is being set



up across 17 countries of the MENA region, to strengthen the capacity of civil society networks and organisations to advocate for upholding the norms stipulated in the Convention. The three-year project, entitled aims to support and strengthen the capacity of local CSOs in four main components: analysis and reporting, coordination and networking, advocacy and child rights programming mainstreaming.⁷⁸

Examples of regional initiatives to promote child rights include the MENA Child Protection initiative (CPI), a project launched in September 2003 and supported by the Arab Urban Development Institute and the World Bank. CPI serves as a regional fund to respond to risks faced by vulnerable urban children in

⁷⁸Save the Children Sweden and IBCR, 'Violence Against Children in Schools: A Regional Analysis of Lebanon, Morocco and Yemen', Draft Version, 2011

⁷⁷Democracy School, 'First Report By the Children's Parliament On The Conditions of Children in Yemen', 2008



the region.⁷⁹ Its secretariat is based in Riyadh, and it is expected to become an independent institution. The CPI aims to upgrade the capacities of local councils and municipalities to become more effective in improving the well being of vulnerable children, including children living in the streets and orphans. The CPI is also extensively involved in research and surveys on the situation of children in urban centre in the MENA region and regularly organises conferences, for example in December 2010, a ‘Conference on Child and Youth in the MENA region: towards Unleashing their Potentials’ was held in Beirut.

The Arab Council for Childhood and Development (ACCD), a Cairo-based non-governmental organisation (NGO), has also implemented a wide range of regional initiatives to promote civil society engagement in the monitoring of the Convention. Since 1988, it has published more than 60 reports and organised over 100 workshops, meetings and conferences.⁸⁰ No evaluation report on its effectiveness, including in involving child groups in monitoring of the Convention, and impact, including on policies and legislative reforms, has been found.

⁷⁹For more information, see MENA Child Protection Initiative, <http://www.araburban.org/CPI/English/00about+us/00default.htm>

⁸⁰AGFUND, ‘Arab Council for Childhood and Development’, http://www.agfund.org/en/about/agfund_initiatives/Pages/arab_council_for_childhood_and_development.aspx

“
Children participate
in an ‘Animate-it’
workshop, in which
they create short
animated clips to
advocate for their
rights
”



2.2.2 Regulatory environment and other obstacles facing civil society

Civil society organisations (CSOs) in the MENA region include charitable associations (jam'iyat khayreyya), cooperatives, trade unions, professional syndicates, philanthropic foundations, non-governmental organisations (NGOs), think tanks and other civic organisations. All the Arab countries, with the exception of Libya, have guaranteed the right to form civil associations. The number of number of CSOs per country varies greatly, as the table below suggests.⁸¹

Table 2: Estimated Number of CSOs by selected country

Country	Estimated Number of CSOs
Algeria	80,000 local associations; 1,000 national organisations.
Bahrain	460 organisations have been registered
Egypt	16,000 organisations
Kuwait	140 registered organisations

In general, the legal and regulatory system for the establishment and operation of civil association is inhibitive, hindering the exercise of that right.⁸² Although restrictions facing CSOs vary from country to country, and often from year to year, they generally include tight restrictions on the sources of funding and state power to dissolve or suspend organisations. For countries such as Syria and Egypt, these restrictions have been worsened by decades-long emergency law. Such restrictive environment generally acts as an obstacle to civil society development, and hinders the ability of CSOs to conduct rights-based work and fulfil their role as co-responsible parties in the implementation of the United Nations (UN) Convention on the Rights of the Child (Convention). Most notably, restrictive legal and regulatory framework adversely and directly impacts upon CSO capacity to deliver social services, to conduct efficient social action, or to influence public policy.

⁸¹-Data on Algeria from Committee on the Rights of the Child, 'Third and Fourth periodic reports of State Parties due in 2010: Algeria' (French) CRC/C/DZA/3-4, 4 July 2011, <http://www2.ohchr.org/english/bodies/crc/crcwg59.htm>, Data on Egypt from Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007 Egypt', CRC/C/EGY/3-4, 4 September 2010

⁸²-UNDP 'Arab Human Development Report 2009 Challenges to Human Security in the Arab Countries', 2009



Even countries such as Egypt, with a flourishing civil society of over 16,000 registered associations, the regulatory environment is inhibitive. According to CIVICUS, a global alliance of CSOs, Egypt has “a long history of state centralisation of power and limited political freedom has meant that CSOs have functioned in a highly inhibitive environment that is not conducive to unrestricted civil action”.⁸³ One way that CSOs have been controlled is through bureaucratic measures and procedures that have restricted Egyptian CSOs access to local and foreign grants. After the 25 January Revolution in Egypt, there has been some easing of these restrictions, with USAID reported to have received a waiver from the Egyptian military council to make direct grants to NGOs without requiring prior approval.⁸⁴

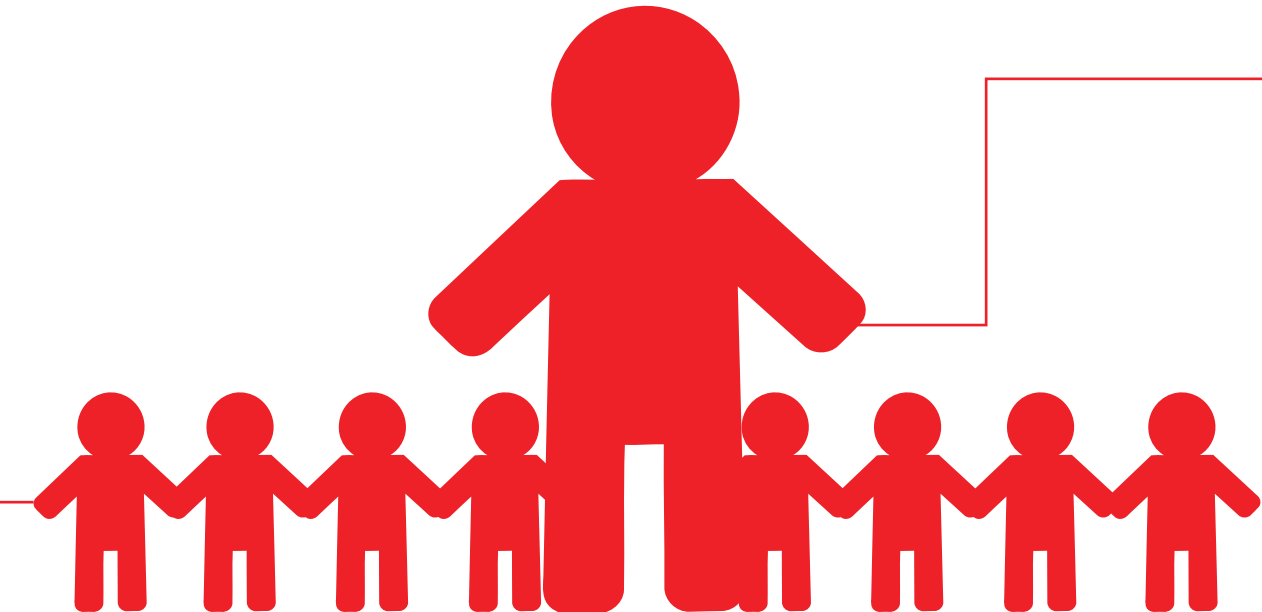
Across the region, some CSOs are so beholden to the authorities that they are viewed more as governmental NGOs (GNGOs) or quasi-government non-governmental organisations (QUANGOs). This is the case especially for countries in the Gulf region, where organisations, tend to be directly funded by the government. In Kuwait for example, associations (estimated to number 140) received \$17 million in the form of annual subsidies.⁸⁵

In general, the restrictive environment has eroded the scope of influence they have on

policy-makers. The regulatory framework is particularly restrictive for rights-based CSOs. Arab governments respond differently to pressures from rights-based CSOs. Some ban their activities altogether; others tolerate them while making it as difficult as possible for them to operate by tying them up in red tape, interposing obstacles to their registration and scrutinising their finances, especially from foreign sources.⁸⁶ Most organisations live with these restrictions and try to work around them. While stiff resistance to calls from CSOs for transparency and greater freedom of expression in Tunisia and Syria has blocked their activities in those countries, movements in other countries have attained more far-reaching influence.⁸⁷ In general, the governments of Algeria, Lebanon, Morocco, the occupied Palestinian territory (oPt) have perhaps reached accepted “the existence and expansion of a vibrant civil society that they still try to manipulate or co-opt, but also increasingly treat as a partner in development activities or public policy implementation”.⁸⁸

86-UNDP, ‘Arab Human Development Report 2009 Challenges to Human Security in the Arab Countries’, 2009
87-Ibid.
88-Salim Naser, ‘Arab Civil Societies and Public Governance Reforms - An Analytical Framework and Overview’, January 2005

83-Report cited in Global Economy and Development at Brookings, ‘How Can the U.S. and International Finance Institutions Best Engage Egypt’s Civil Society?’, Policy Paper, June 2011
84-Ibid.
85-Ibid.



2.2.3 Obstacles to CSOs in fulfilling their role as co-responsible parties

In addition to the legislative environment, which remains restrictive in many of the countries, civil society organisations (CSOs) in the Arab region encounter an array of obstacles in fulfilling their role as co-responsible parties. A review of country and regional level assessments indicates that CSOs in many of the countries face similar challenges, including: weak internal governance and organisational structures (existence of a ‘ruling elite’ within organisations); precarious, conditional or donor-driven funding, organisational fragmentation and ideological polarisations, weak external linkages. A capacity building assessment of CSOs in Lebanon, for example, found that “the majority are lead by one or at best a few individuals, who control all key aspects of the organisation including its governance, management, and funding structures. This limits considerably {their} growth and impact”.⁸⁹ The study moreover found that the majority of organisations have poor human resources (HR) management, with many organisations lacking policies, job descriptions for their staff, training and staff development plans.

While there is a great diversity in the capacity of CSOs across the region, in general CSOs in the MENA region can become more effective in supporting social development and rights realisation through: listening and transmitting the voices of their constituencies, delivering work of a high quality to professional standards, which meets the real needs of intended beneficiaries, moving beyond charitable works to include more sustainable development and policy influencing work, based on solid evidence.⁹⁰

⁸⁹-UNDP, ‘Assessment of Capacity Building Needs of NGOs in Lebanon’, March 2009, <http://www.undp.org.lb/communication/publications/downloads/Capacity%20Building%20Needs%20Assessmentfor%20NGOs.pdf>
⁹⁰-Recommendations listed in INTRAC, ‘Ontrac: the Newsletter of INTRAC’, No. 48, May 2011



2.3 International Community

2.3.1 United Nations Agencies

The United Nations (UN) agencies play a lead role in supporting governments of the Arab region to implement measures and policies to promote child rights, as enshrined in the Convention of the Rights of the Child (Convention). The leading organisation in child rights is the United Nations Children's Fund (UNICEF), which aims, within the Convention framework, to contribute to the full realisation of rights of children and adolescents, including the most vulnerable and excluded.⁹¹ UNICEF's global priorities are to promote child survival and development, child protection, education for all children, HIV/AIDS. UNICEF is also dedicated to providing life-saving assistance to children affected by disasters, and to protecting their rights in any circumstances, and in the MENA region is scaling up its Disaster Risk Reduction (DRR) activities in particular within the education and water, sanitation and hygiene (WASH) sectors. UNICEF has also organised emergency preparedness and response (EPR) training, integrating UNICEF's Core Commitments for Children in Emergencies and the fundamental humanitarian principles involved in emergency response.⁹²

UNICEF's protection work in the Middle East and North Africa (MENA) is guided by 'Regional Child Protection Implementation Framework (2010-2013)', which is based on a systems approach. UNICEF reports that that such an approach differs from earlier child protection efforts, which have traditionally focused on single issues such as child trafficking, street children, child labour, or HIV/AIDS, while producing substantial benefits resulted in fragmented response market by pockets of unmet need.⁹³ UNICEF Middle East and North Africa Regional Office (MENARO) is located in Amman, while Gulf Area Office (GAO), which covers activities in Saudi Arabia, United Arab Emirates, Kuwait, Qatar and Bahrain, is located in Riyadh. In its 2010-2012 Gulf Regional Strategy, UNICEF enumerates three main objectives: (i) evidence-based

advocacy and mobilisation, including technical guidance to support research, monitoring and reporting systems on Convention, development of databases, childhood strategies, laws, policies and institutional guidelines made more Convention consistent (ii) child protection, with particular emphasis on juvenile justice and various forms of violence, abuse and neglect, especially trafficking; and (iii) adolescent empowerment, emphasising policy and media attention, healthy life skills (addressing HIV/AIDS, substance abuse and injury prevention) and civic engagement.⁹⁴

Within the framework of the Millennium Development Goals (MDGs), the United Nations Development Programme (UNDP) works in the following thematic areas across the MENA region: democratic governance, poverty reduction, crisis prevention and recovery, environment and energy. UNDP's work also emphasises the priority concerns of HIV/AIDS, gender equality, and the protection of human rights, all the while addressing 'human development deficits' identified in the Arab region (knowledge, freedom, and women's empowerment).⁹⁵ Crisis prevention and recovery is an increasingly important focus of UNDP in the region, with the organisation supporting governments of Egypt, Jordan, Iraq, Lebanon, Morocco Syria and Yemen in their efforts for effective disaster risk management and crisis prevention. In addition, with funding from the European Commission, UNDP in 2011-12 is setting up a regional Crisis Response Centre and Warning System at the League of Arab States

94-UNICEF, 'Gulf Area Sub Regional Programme Document 2010-2012', 2009

95-Unless otherwise stated, information is extracted from UNDP website, www.undp.org

91-Unless otherwise stated, information is extracted from UNICEF website www.unicef.org

92-UNICEF 'Humanitarian Action Middle East and North Africa', 2007

93-UNICEF MENARO 'Decentralised Child Protection Mechanisms Comparative Study Terms of Reference', May 2010



in Cairo. UNDP also runs mine awareness and assistance projects to protect people from landmines and explosive remnants of war (ERW) in Iraq, Egypt, Jordan, and Lebanon.

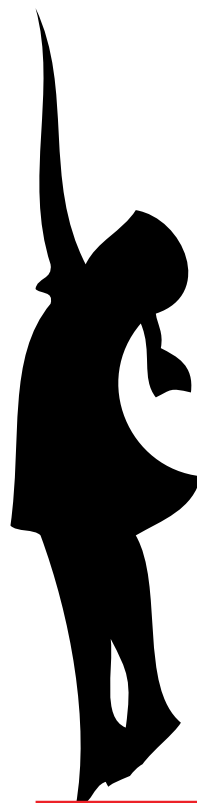
The International Labour Organisation (ILO) is the only tripartite UN agency in that it brings together representatives of governments, employers and workers to jointly shape policies and programmes. Elimination of child labour is a 'cross-cutting consideration' in ILO regional strategy, developed in the aftermath of the Arab Spring of 2011,⁹⁶ with possible activities in the upcoming years to include strengthening child labour inspection (Algeria), combating worst forms of child labour through modern apprenticeship schemes, skills development, assistance for the parents of working children and rehabilitation and integration of child labourers into formal and non-formal education (Egypt), implementation of National Framework on Child Labour (Jordan) strengthening of the labour inspection system and support to the national programme on the elimination of the worst forms of child labour (Syria).

The ILO's supervisory bodies - the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards - regularly examine the application of International Labour Standards in ILO member States. International labour standards have grown into a comprehensive system of instruments on work and social policy, backed by a supervisory system designed to address all sorts of problems in their application at the national level. The ILO Conventions of relevance to child rights are N. 138 (Convention on Minimum Age of Admission to Employment) and N. 182 (1999 Worst Forms of Child Labour Convention). Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Syria, United Arab Emirates and Yemen have ratified both conventions, while Bahrain and Saudi Arabia have ratified only convention N. 182.⁹⁷

The United Nations Relief and Works Agency

⁹⁶ILO, 'Challenges in the Arab World: An ILO Response', 2011

⁹⁷For countries that have ratified the ILO Conventions relating to child rights, see <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C182> and <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>

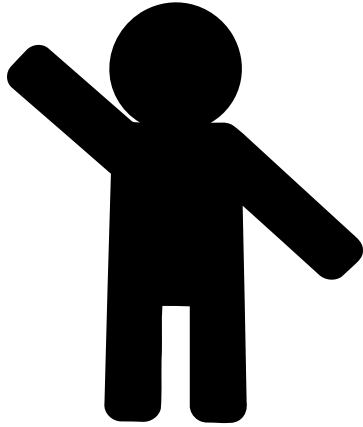


for Palestine Refugee in the Near East (UNRWA) is the key agency for providing health, education, and social services to Palestinian refugee children in Jordan, Lebanon, Syria, the Gaza Strip and the West Bank.⁹⁸ Set up in the aftermath of the 1948 Arab-Israeli conflict to carry out direct relief for Palestinian refugees, UNRWA's mandate has been repeatedly renewed, most recently extending it until 30 June 2014. Although UNRWA does not have an explicit mandate to provide comprehensive protection to Palestinian refugees, since 2004, the Agency has developed its protection activities, with human rights as a core human development goal in the Agency's Medium Term Strategy for 2010–15 (MTS).⁹⁹ In total, nearly 5

⁹⁸Unless otherwise stated, information is extracted from UNRWA website, unrwa.org

⁹⁹In 2004, UNRWA and the Swiss Government organised a Conference on challenges ahead, which generated a comprehensive agenda for reform. Lex Takkenberg, 'UNRWA and the Palestinian Refugees after Sixty Years: Some Reflections', 10 June 2010





million Palestinian refugees are registered with UNRWA, out of which 29 per cent live in 58 official UNRWA refugee camps. Education is UNRWA's largest programme, accounting for more than half of the Agency's regular budget.

While UNRWA deals exclusively with Palestinian refugees, the Office of the United Nations High Commissioner for Refugees (UNHCR) works to safeguard the rights and well-being of refugees worldwide.¹⁰⁰ Established on December 14, 1950 by the United Nations General Assembly, the agency is mandated to lead and co-ordinate international action to protect refugees. UNHCR assists children who are refugees, asylum seekers and stateless as well as returnee and internally displaced persons (IDPs). Together with other organisations, it provides protection, food, water, shelter, health care, education and to ensure their safety, development and well-being.¹⁰¹

The Office of the High Commissioner for Human Rights (OHCHR) is mandated to promote and protect all human rights for all persons, including stateless persons, while the United Nations Office on Drugs and Crime (UNODC) supports governments, in the field of child rights, to implement juvenile justice reforms, and to enhance efforts to reduce drug abuse, particularly among the youth. The UNODC regional office for MENA, established in May 1997, is based in Cairo and serves almost all the countries across the region.

100-UNHCR only provides limited international protection to Palestinian refugees and only outside of UNRWA areas of operation.

101-UNHCR, 'Young and Innocent', <http://www.unhcr.org/pages/49c3646c1e8.html>

2.3.2 Lenders and Donors

In addition to the World Bank, there are a number of institutions providing loans and grants to child rights programmes in the Middle East and North Africa (MENA) region. Regional institutions include the Arab Gulf Programme for Development (AGFUND), based in Riyadh, and established in 1980 upon the initiative of His Royal Highness, Prince Talal Bin Abdul Aziz Al Saud with the support of leaders of the Gulf Cooperation Council (GCC) countries. AGFUND works mainly in the field of development in partnership with United Nations (UN) agencies, regional and national development organisations, public institutions, the private sector, as well as with organisations of the civil society. AGFUND considers the poor and vulnerable, especially women and children in low-income countries to be its main target group.

Launched in September 2007 by His Highness Sheikh Mohammed Bin Rashid Al Maktoum, Dubai Cares is a philanthropic organisation aiming to improve childhood development, particularly children's access to quality primary education.¹⁰² In the MENA region, Dubai Cares supports educational programmes for Palestinian refugees in Lebanon, including in Nahr El Bared camp, and in Lebanon, in partnership with UNRWA. In the occupied Palestinian territory (oPt) in partnership with Médecins Sans Frontières and UNRWA, provides health care services to children, including emergency medical support to children and de-worming services. In Yemen, in partnership with Care and Save the Children, Dubai Cares is implementing targeted educational infrastructure interventions with CARE International and Save the Children in Lahej, Abyan, Aden and Hajja, with the overall aim of improving children's access to education. In partnership with UNICEF, Dubai Cares supports girls' education in rural areas, both through policy formulation and direct involvement in rural communities.

102- Information is extracted from Dubai Cares website, <http://www.dubaicare.ac/en/section/about-us>



2.3.3 International Non-Governmental Organisations and Consulting Companies

The Global Initiative to End All Corporal Punishment is a key player in the field of child protection. It produces country reports on the legality of corporal punishment in all states, including in the Middle East and North Africa (MENA). Its sources of information include government and non-governmental organisation (NGO) reports, including to treaty monitoring bodies (namely the Committee on the Rights of the Child and the Universal Periodic Review process). In June-July 2010, in collaboration with Save the Children Sweden, and in coordination with the League of Arab States and the Higher Council for Childhood in Lebanon, the organisation held a three-day technical workshop on legislative reforms to prohibit all forms of corporal punishment of children.¹⁰³ The workshop was attended by 70 participants from government and civil society, and by Special Representative of the Secretary General, the Independent Expert who led the UN Secretary General's Study on Violence against Children, and representatives from the League of Arab States.

The International Bureau for Children's Rights (IBCR) produces regional and country profiles on child rights, including in MENA. Since January 2009, it has also been publishing a monthly newsletter on child rights in MENA. More recently, the IBCR has been collaborating with Save the Child Sweden, with Swedish funding, to establish a Regional Child Rights Network of Civil Society Organisations (CSOs) across 17 countries in the region.

Terre des hommes Foundation (TdH), established in Switzerland in 1960, works to protect children in need, including in times of conflict and natural disasters. The organisation works in more than 30 countries. In the MENA region, it works in Egypt, where it is helping disabled children in Assiut (Upper Egypt), combating child labour and also implementing a child protection programme, while in Lebanon, it provides vital psychological to children of Palestinian and Iraqi refugees, and in Syria and

Jordan it is providing psychosocial support to Iraqi refugee children.

Established in 2008, and registered in Hong Kong, Child Frontiers is a consulting company working with wide range of stakeholders to improve the care and protection of children, with particular focus on encouraging comprehensive national systems that will protect children from abuse and neglect, sexual and labour exploitation, juvenile detention, institutionalisation and other violations of children's human rights.¹⁰⁴ In MENA, Child Frontiers, in collaboration with UNICEF, launched a two year project (October 2010 to July 2012) to map and analyse child protection systems in five countries. In Egypt, Iraq and Tunisia the study will focus on prevention and response services for children affected by abuse, violence, neglect and exploitation, while in Lebanon and Yemen, focus will be on children in conflict with the law. Child Frontiers reports that this consultation process will highlight the perceptions of possible service users about the relevance and effectiveness of the formal local level services and processes for the protection of vulnerable children and families.

Save the Children Sweden (SCS) is also implementing a number of national and regional level initiatives to promote child rights in MENA. SCS has been working in the region since 1963, running projects throughout the region and with country offices in Lebanon, oPt and Yemen. Working in partnership with CSOs and other stakeholders, SCS works to promote child rights, including under emergencies, and to strengthen the capacity of CSOs, including child groups, to hold duty bearers accountable. SCS is currently providing support to over 40 local NGOs in the region, with a particular focus on education and protection. In partnership with local NGOs it is implementing project to enhance the protection of children and adolescents in the MENA Region from gender based violence (including early marriage, female genital mutilation and sexual abuse) through the promotion of sexual and reproductive health. The project, launched in December 2010, will run for three years in the occupied Palestinian territory (oPt) in collaboration with Juzoor for Health and Social Development, in Yemen with

¹⁰³-Child Rights Information Network, 'Report of the Middle East & North Africa Region Technical Workshop: Law Reform to Prohibit all Forms of Corporal Punishment of Children', June 30 – July 2, 2010, Beirut, Lebanon, July 2010

¹⁰⁴-Information is extracted from Child Frontiers website <http://www.childfrontiers.com/projects.php>

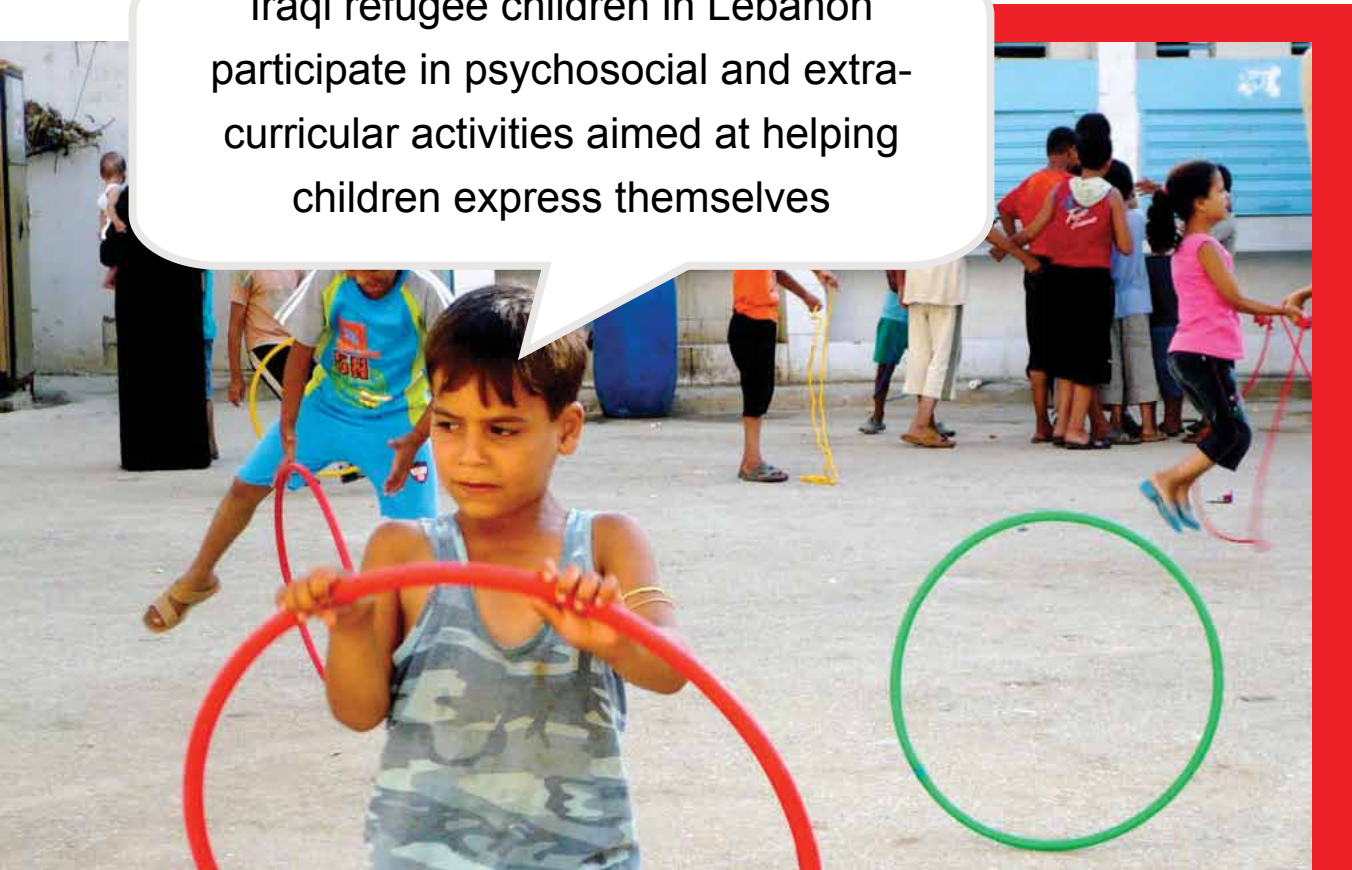
Community Based Rehabilitation Association for Children with Special Needs and Women Union, and in Lebanon with KAFA Violence and Exploitation. With funding from the World Bank, SCS is also running a Regional Educational Initiative (Ta'leem) which aims to develop a strategy and guides for improving child protection and participation through education in the MENA region. In addition, SCS has launched two projects to enhance protection of refugee children: in collaboration with United Nations Refugee Agency (UNHCR), it is working to strengthen Child Protection System for Iraqi refugee children in Lebanon, Jordan and other countries in the Region where UNHCR has a presence, and in partnership with local organisations, SCS is protecting the rights of Palestinian children affected by armed conflicts through community-based mechanism in the Gaza Strip and North Lebanon.

SCS is part of International Save the Children Alliance, an alliance of 29 organisations working together to deliver programmes in 120 countries around the world. As part of its global 2010-2015 strategy to dramatically increase the scope and scale of its work to change children's lives, the alliance has launched its biggest ever global campaign, Every One, focusing on newborn and child survival. In the MENA region, members of the alliance work in Egypt, Iraq, Jordan, Lebanon, Morocco, oPt, Syria, and Yemen.

The International Society for Prevention of Child Abuse and Neglect (ISPCAN), founded in 1977, is a multidisciplinary international organisation, whose mission is to prevent cruelty to children, in every form: physical, emotional sexual abuse, neglect, child fatalities, child prostitution, children living in conflict situations and child labour. In the Arab region, its main partner is the National Family Safety Programme (NFSP) a Saudi quasi-governmental agency dedicated to the prevention of child abuse and domestic violence. It regularly organises conferences in the Arab world on child protection. In March 2009, for example, ISPCAN in partnership with NFSP organised a regional conference on child protection, which concluded with a set of recommendations to better protect children from violence and abuse, including the development of national data collection tools for child abuse and neglect in countries, penalising corporal punishment, and the establishment of child help-lines.¹⁰⁵

¹⁰⁵-ISPCAN/NFSP, 'The 3rd Arab- ISPCAN Regional Conference on Child Protection Child Protection in Arab Countries: Working Together for Safer Childhood Riyadh Saudi Arabia', 1-4 March 2009

Iraqi refugee children in Lebanon participate in psychosocial and extra-curricular activities aimed at helping children express themselves



Child Helpline International (CHI) was the first NGO to sign a Memorandum of Understanding (MoU) with the League of Arab States, with both parties pledging to work towards the founding of a child helpline in every Arab country. This partnership fits into CHI's mission, which is to provide children with access to a child helpline.¹⁰⁶ Penal Reform International (PRI) is a key actor in the field of juvenile justice reforms. PRI's Middle East and North Africa programme, with a regional office in Amman, currently operates in Jordan, Morocco, Algeria, Egypt, and Yemen.¹⁰⁷ For example, PRI is engaged in human rights training of judges, lawyers, police and NGOs, to ensure that the rights of children in conflict with the law are protected and that the detention of children is a measure of last resort and for the shortest time possible; and in June 2011, PRI organised a regional conference on Juvenile Justice in the Arab World.

2.3.4 Private Sector

The involvement of private sector in the promotion and protection of children's rights is still in its early stages in the Middle East and North Africa (MENA). The 2010 Third Arab Report on the Millennium Development Goals (MDG) highlights the need for creating partnerships with national and regional private sectors to "support funding of interventions that lead to reduction of maternal mortality, especially the integrated programmes for the young people that address harmful practices such as {female genital mutilation} FGM".¹⁰⁸ Although a much more thorough mapping is needed, private sector involvement appears to be weak or inexistent in many Arab countries, or limited to funding of charitable associations for childhood development.

In June 2010, the United Nations (UN) Global Compact, with the United Nations Children's Fund (UNICEF) and Save the Children launched a "process to develop a set of Principles offering concrete guidance on

¹⁰⁶-Child Helpline International, 'Partnerships and Member Organisations', <http://www.childhelplineinternational.org/en/network/partners>,

¹⁰⁷-Information is extracted from Penal Reform International website, <http://www.penalreform.org/worldwide/middle-east-and-north-africa>

¹⁰⁸-UN and League of Arab States, 'The Third Arab Report on the Millennium Development Goals and the Impact of the Global Economic Crisis', E/ESCWA/EDGD/2010/3, 11 August 2010



what business can do to respect and support children's rights".¹⁰⁹ As part of this initiative to guide businesses on the range of actions they can take, Save the Children has developed a toolkit for companies in the agricultural sector in Egypt, to encourage companies to address child labour and to improve working conditions for children and adolescents.¹¹⁰

¹⁰⁹-UN Global Compact, 'Children's Rights and Business Principles', http://www.unglobalcompact.org/Issues/human_rights/childrens_principles.html

¹¹⁰-Save the Children and DANIDA 'Toolkit to Address Child





3. Common Regional Trends

3.1 Status of Right to Protection

3.1.1 Legislative Overview

Article 19 of the United Nations (UN) Convention on the Rights of the Child (Convention) explicitly enshrines the right to protection of children and identifies various forms of violence that children need to be protected from: “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”.¹¹¹

Countries in the Middle East and North Africa (MENA) region are displaying a growing awareness the need to implement legislative measures to protect children from violence, abuse, neglect, and exploitation. Regional bodies including the Organisation of the Islamic Conference (OIC), the African Union, and the League of Arab States have also been taking positive measures to promote the implementation of the recommendations of the UN Study on Violence against Children (VAC),¹¹² and have committed to place the issue of violence against children as “a permanent item on the agenda of {their} summits”.¹¹³

Almost all the countries are preparing or have

Labour in the Agriculture Sector in Egypt’, 2011, http://www.savethechildren.org.uk/en/docs/EGYPTToolKitchapters_final_version.pdf

111-Right to protection is also guaranteed, amongst others, in under Convention of the Rights of the Child Article 22 (right of refugees to receive appropriate protection and humanitarian assistance), Article 32 (right to protection from economic exploitation), Article 33 (right to protection from the illicit use of narcotic drugs), Article 34 (from all forms of sexual exploitation and sexual abuse), Article 35 (from trafficking), Article 36 (from all other forms of exploitation prejudicial to any aspects of the child’s welfare), Article 37 (from cruel, inhuman or degrading treatment or punishment, from unlawful deprivation of liberty)

112-In The United Nations Secretary-General’s Study on Violence against Children was launched in 2006 as part of global effort to describe and analyse the nature, extent and causes of violence against children, and to propose clear recommendations for action to prevent and respond to it.

113-UNICEF, ‘Regional Consultation the Middle East and North Africa (MENA) The UN Study on Violence against Children,’ 27-29 June 2005 <http://www.unicef.org/egypt/Egy-MC-CairoDeclaration-English.pdf>

drafted Child Rights Bills, which are still waiting enactment and promulgation; many are also waiting child-related amendments to Personal Status Law, Civil Codes, or Penal Codes to be passed. Bahrain has prepared for example a draft Child Rights and Education which encompasses child protection measures, Algeria has prepared a draft bill which aims to establish a mechanism for protecting children against all forms of violence, ill-treatment, abuse and negligence, and Kuwait has prepared a Draft Children’s Code and draft Bill to amend Penal Code.¹¹⁴ While these represent important legislative advances, reforms still need to be expedited, and the principles of the best interests of the child, right to participation and non-discrimination, need to be better incorporated into national legislation.

In general, in its review of periodic reports of MENA countries on the implementation of the Convention, the UN Committee on the Rights of the Child (Committee) has welcomed new legislative, institutional, and policy measures put in place by national governments, all the while urging the countries to expedite the adoption and enforcement of proposed laws, to strengthen efforts to provide better legal protection for children, and to ensure that relevant domestic laws are in full conformity with the provisions and principles of the Convention. The Committee has also urged the countries, on the ground, to increase psychological and physical support services to children victims of violence, and to strengthen child protection mechanisms for prevention, identification, reporting, referral, investigation, treatment, social reintegration and follow-up. In countries such as Egypt which have more advanced national child protection systems, the Committee has expressed its concerns that the government may be relying extensively on CSO on the provision of social services to vulnerable children, which risks reducing the responsibility of the State party as the primary duty-bearer for the realisation of the rights guaranteed under the Convention.¹¹⁵

114-Global Initiative to End All Corporal Punishment of Children and Save the Children Sweden, ‘Ending Legalised Violence against Children, Global Report 2010’, 2010

115-Committee on the Rights of the Child, ‘Concluding



Despite gains on the legislative front and increasing number of child protection programmes on the ground implemented with support of international and national agencies, child protection remains a serious issue in every country of the region. In a number of countries, early marriage, female genital mutilation, ‘honour crimes’ and child marriage still occur, while corporal punishment in the home, in alternative care settings, and at schools remain widespread, and children continue to suffer from grave violations of their right to protection. Child trafficking and exploitative labour are also protection risks facing an increasing number of children in the region. In many of the countries, children without adequate parental care are a particularly vulnerable group. In Egypt, although there are no reliable comprehensive estimates, government data indicates that 46,000 children reside in care various types of care institutions,¹¹⁶ and between 200,000 and 2 million children are living in the streets. As for Lebanon, it is reportedly the country with the highest per cent of institutionalised children in the world, the majority of which are not orphans.¹¹⁷ In Iraq, the main issue is the high number of war orphans. In Yemen in particular, birth registration remains a critical issue, affecting the ability of children to have access to public services, including health care and education.



Armed conflict continues to render meaningful child protection difficult in a number of locations, as does the outbreak of anti-government demonstrations and protests in a number of Arab countries, which has been met with violent government crackdown.

3.1.2 Female Genital Mutilation

Female genital mutilation (FGM) is considered a form of violence against girls and women, violating their physical and psychological integrity. In the MENA region, FGM is practiced in countries such as Egypt, Yemen, Iraq and Oman. FGM is also believed to be practiced to a lesser extent among communities in Jordan and the occupied Palestinian territory (oPt).¹¹⁸ The practice has become less common among younger age groups and there is more public support for banning FGM. The prevalence of FGM in Egypt and Yemen, while on the decline, is still high. In Egypt, 66 per cent of girls aged 10 to 14 in Egypt have undergone FGM¹¹⁹, compared to 96 per cent of prevalence in girls and women 15-49 years.¹²⁰ In Yemen, 23 per cent of women have undergone FGM¹²¹; in areas such as Hodeida and Hadramaut the rate is as high as 96 per cent.¹²² In Iraqi Kurdistan,

Observations: Egypt, Advance Unedited Version, CRC/C/EGY/CO/3-4, 20 June 2011 116-Ibid.

117-Save the Children Sweden, ‘Child Rights Situation Analysis for Lebanon’, May 2008, <http://mena.savethechildren.se/Documents/Resources/Child%20Rights%20Situation%20Analysis%20for%20Lebanon.pdf>

118-Human Rights Watch, ‘Q&A on Female Genital Mutilation’, <http://www.hrw.org/node/90893>

119-Committee on the Rights of the Child, ‘Concluding Observations: Egypt’, CRC/C/EGY/CO/3-4, 20 June 2011, Advance Unedited Version

120-UNDP, ‘Arab Human Development Report 2009: Challenges to Human Security in the Arab Countries’, 2009

121-1997 Survey, Ibid.

122-Surveys cited in United States Department of State, ‘Yemen: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC)’, 1 June 2001



40 to 73 per cent of women and girls have undergone this treatment. Legal frameworks diverge: FGM has been banned and is criminalised in Egypt (2008) and in Iraqi Kurdistan (2011)¹²³, while in Yemen and Oman there is no law against FGM. In countries which have banned FGM, more efforts need to be expended to enforce the application of the criminalisation of this harmful practice.

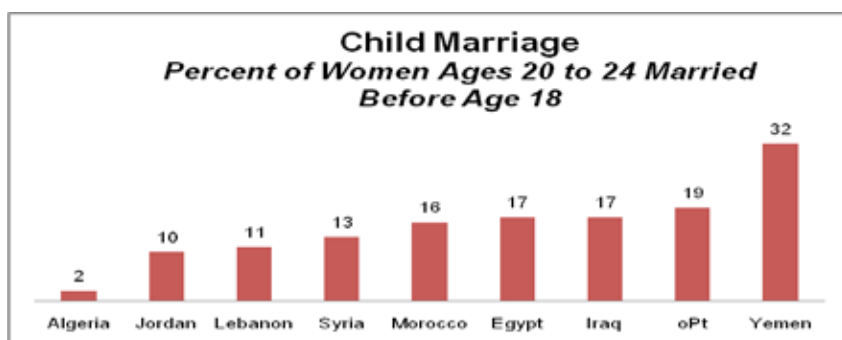
3.1.3 Honour Crimes and Killing

'Honour crimes' are the most extreme and visible form of violence against girls and women in several of the Arab countries. In the name of preserving family 'honour,' girls and women are shot, burned, strangled, or knifed. Although there are no reliable statistics on the prevalence of honour crimes, it is reported to persist in Jordan, occupied Palestinian territory (oPt), Iraq, Syria as well as Egypt, Lebanon, Morocco, and Yemen. Perpetrators of honour killings are often unpunished due to discriminatory laws, and when cases are brought to court, tend to receive lenient sentences. As a result of continuous advocacy, mainly by women's groups with support from international organisations, there have been legislative advances in a number of countries. In Jordan, the Penal Code has been amended in 2010¹²⁴ to ensure that perpetrators of so-called 'honour killings' can no longer benefit from mitigating circumstances.¹²⁵ However, legislative advances in Kurdistan have been too modest to be effective in abolishing this extreme form of violence. The government in its National Report to the Human Rights Council reports that although lighter penalties have been abolished, incidences of violence against women in Kurdistan have been increasing: in 2008, a total of 117 were killed and 333 cases of burning were recorded.¹²⁶

3.1.4 Early Marriage

While the overall phenomenon of early marriage is declining, it remains a common practice in many rural communities across the MENA.¹²⁷ In Egypt, even before the minimum age of marriage of girls was raised to 18 in 2008 the prevalence of early marriage declined from 27 per cent in 1995 to 17 per cent in 2008; in Yemen, the rate decreased from 48 to 32 per cent between 1997 and 2006.¹²⁸ The United Nations Children's Fund (UNICEF) reports that the percentage of women 20–24 years old in MENA who were married before age 18 is 18 per cent.¹²⁹

Figure 1: Percentage of women aged 20-24, married before the age of 18



123-WADI Press Statement, 'Iraq's Kurdistan Regional Parliament Passes a Law to Ban Female Genital Mutilation', 24 June 2011, <http://www.ekurd.net/mismas/articles/misc2011/6/state5209.htm>

124-In Jordan, prior to 2010 amendments, Article 97 of the Penal Code allowed the guardian of an abused child to drop charges against perpetrators, and articles 340, 98 and 99, accorded lenience to honour crimes, with sentences not severe enough to have a deterring effect.

125-Human Rights Committee, 'Concluding observations of the Human Rights Committee', CCPR/C/JOR/CO/4, 18 November 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/467/05/PDF/G1046705.pdf?OpenElement>

126-Human Rights Council, 'National report submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1 Iraq', A/HRC/WG.6/7/IRQ/1, 18 January 2010

127-UNICEF, 'Percentage of women aged 20-24 who were married/in union before the age of 18', http://www.childinfo.org/marriage_countrydata.php

128-Ibid.

129-Data includes countries not covered in this report including Djibouti and Sudan. UNICEF 'Progress for Children: A Report Card on Child Protection Number 8', September 2009



Source: UNICEF, *Child Info Statistics*

The Committee on the Rights of the Child has urged countries such as Bahrain and Saudi Arabia to define a minimum age of marriage. Legislative and enforcement gaps exist even in countries that have enacted laws to increase the minimum age of marriage for girls. For example, in Morocco, reforms to the family law enacted in 2004 raised the minimum age of marriage for girls from 15 to 18, in line with the Committee's recommendations.¹³⁰ However, judges are still allowed to authorise marriages before that age, including of girls as young as 13, without any mandatory legal conditions having been fulfilled,¹³¹ and incidences of early marriage are on the rise.¹³²

Early marriage and high fertility rates make adolescent reproductive and sexual health a priority. The risk of early pregnancy puts young girls at risk of health complications, such as anaemia and other pre-natal problems. Compared to women in their twenties, adolescent females aged 15-19 years are twice as likely to die while giving birth and those under age 15 are five times more likely to die during childbirth.¹³³ Girls that marry at young ages not only encounter health risks, they also

may end up with less opportunities to develop personally, may face increased risk of violence and ill-treatment or marriage problems. Indeed, the highest rates of divorce rates in the oPt occur among couples in which women married between the ages of 14-24. There are several explanations for the phenomenon in MENA, the most frequently cited one being the traditional system of values which underpins beliefs that marriage will protect women from misbehaving (the 'culture of shame'). Another explanation is the economic situation and poverty, with many families feeling forced to have girls married in order to ease the financial burden.

3.1.5 Corporal Punishment

In the MENA region, legislative progress towards prohibiting all forms of corporal punishment of children has been limited, with the notable exception of Tunisia, the only country in the region that has undertaken to remove legal defence for the use of corporal punishment.¹³⁴ In its review of periodic reports of Arab states, the Committee has consistently recommended the prohibition of corporal

¹³⁴Global Initiative to End All Corporal Punishment and Save the Children Sweden, 'Ending legalised violence against children: Global Report 2010', 2010

¹³⁰Human Rights Watch, 'Events of 2008: Morocco/Western Sahara', 2009 <http://www.hrw.org/en/node/79248>

¹³¹Committee on the Elimination of Discrimination against Women 'Concluding observations of the Committee on the Elimination of Discrimination against Women: Morocco', CEDAW/C/MAR/CO/4, 1 February 2008

¹³²Maghreb24, 'Underage Marriages Increase in Morocco', 26 January 2011, http://www.maghreb24.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2011/01/26/feature-03

¹³³Juzoor and Palestinian Women's Research and Documentation Centre, 'Women's Health Surveillance Report: Towards a Multi- Dimensional Look at the Health of Palestinian Women', July 2010



punishment in all settings. While legislative progress has been slow, there has been increased attention by national organisations on this issue, and regional bodies, namely the Organisation of the Islamic Conference and the League of Arab States have demonstrated increased commitment to addressing this phenomenon which affects millions of children in the region. For example, in June 2010, the League of Arab States co-sponsored a technical workshop on law reform to prohibit all corporal punishment in the region, attended by government and non-government representatives from member states, and at the Forth High Level Conference on the Rights of the Child in December 2010, the League of Arab States adopted the Marrakesh Declaration, which amongst others, called for the adoption of legislation to protect children from all forms of violence, including corporal punishment.

In general, children are better protected from corporal punishment in schools than in the home or

Box 1: General Comment n. 13: The Right of the Child to be Freedom from all forms of violence

In 2011, Committee on the Rights of the Child (the Committee) issued General Comment n. 13 on article 19 of the Convention on the Rights of the Child 'since the extent and intensity of violence exerted on children is alarming. Measures to end violence must be massively strengthened and expanded in order to effectively put an end to these practices which jeopardise children's development and societies' potential non-violent solutions for conflict resolution'. It builds on general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

in alternative care settings. Algeria (2008), Bahrain (1992), Jordan (1981), Libya (1983), Oman (1999), United Arab Emirates (1974) and Yemen (2001) have all issued prohibitions against corporal punishment in schools.¹³⁵ Egypt, Lebanon, Morocco, oPt, Saudi Arabia, and Syria have issued directives, policies, and circular banning corporal punishment at schools. However, these do not amount to prohibition, which must be achieved through legislation which has been passed by Parliament and can be enforced.¹³⁶ In Kuwait, information on the applicability of statute dating back to the 1960s prohibiting all forms of

corporal punishment by teachers or school principals has been difficult to find.¹³⁷ Even when corporal punishment is explicitly prohibited in schools, enforcement may be lacking. In Yemen, for example, the decree nevertheless does not include penalties in cases of non-compliance and no complaint mechanism has been put in place for victims to report violations.¹³⁸

With the exception of Tunisia, corporal punishment is viewed as a form of 'right to discipline' in the home and in alternative care settings and is not conceived of a form of violence children need protection from. In Egypt, for example, Article 7A of the Child Law allows the right to discipline of parents and carers ('reasonable corporal punishment') indicating that provisions against violence and abuse is not interpreted as prohibiting corporal punishment.¹³⁹ The need to ban corporal punishment in the home, to promote alternative disciplinary measures and develop effective enforcement mechanisms is necessary to address the widespread prevalence of violence and abuse of children. UNICEF reports that three in four children in the Middle East and North Africa are subject to physical punishment.¹⁴⁰

135-Algeria, Prohibited in Law No. 08-04 (2008); Bahrain, Prohibited in Code of School Discipline (1992); Jordan, Prohibited in School Discipline Regulation, Instruction No. 4 on School Discipline (1981); Libya Regulation concerning Student Discipline (1983); Oman Prohibited in Organizational Statutes of the General Education Schools (1999); Yemen Prohibited in Regulations governing School Punishment (2001), Global Initiative to End All Corporal Punishment, Prohibiting all corporal punishment in schools: Global Report 2011, 2011. UNRWA, which manages schools for Palestinian refugees, has banned corporal punishment in 1993.

136-Child Rights Information Network, 'Report of the Middle East & North Africa Regional Technical Workshop: Law Reform to Prohibit all Forms of Corporal Punishment of Children', July 2010

137-Committee on the Rights of the Child, 'Summary Record of the 498th meeting held on 29th September 1998, Consideration of Reports of State Parties, Initial Reports on the CRC submitted by Kuwait', CRC/C/SR.490, 21 December 1998

138-Save the Children Sweden and IBCR, 'Violence Against Children in Schools: A Regional Analysis of Lebanon, Morocco and Yemen', Draft Version, 2011

139-Global Initiative to End All Corporal Punishment of Children, 'Egypt Report', June 2011 <http://www.endcorporalpunishment.org/pages/progress/reports/egypt.html>

140-UNICEF 'Progress for Children: A Report Card on Child Protection Number 8', September 2009



Table 3: Percentage of 2-14 year old having experienced physical punishment

Country	% of children
Yemen	84
Syria	75
Algeria	72
occupied Palestinian territory	71
Egypt	70
Iraq	69

Source: UNICEF, *Progress for Children*, September 2009

3.1.6 Sexual Violence and Abuse

It is difficult to gauge the prevalence of sexual violence against girls and boys in Arab countries. One survey in Lebanon for example has found that 16 per cent of children report being exposed to one act of sexual abuse in their lifetime.¹⁴¹ However, the actual rate may be considerably higher given that children may under-report the extent to which they are sexually abused. In all the countries, sexual violence is prohibited and criminalised. However, mechanisms for reporting are not sufficient in all the countries, and efforts to break the silence around this ‘taboo’ subject remains at nascent stage. Comprehensive information on the prevalence and forms of violence against children is lacking, despite repeated recommendations by the Committee to nearly all the MENA to improve national data collection and information system. The Marrakesh Declaration of the League of Arab States, adopted in December 2010, also calls for better data on issues related to the protection of children from violence and abuse.¹⁴² There are also worrying trends on treatment of victims of sexual violence and exploitation. In Libya for example, concern has been expressed that girl victims of violence are confined in social rehabilitation centres, without the provision of a possibility to challenge this confinement in a court.¹⁴³ Similarly in Oman, there are concerns that child victims may be re-victimised by being treated as offenders and that girls, who have been victims of child prostitution, may be criminalised, inter alia, on charges of zina and honour crimes.¹⁴⁴

3.1.7 Child Labour

In the Middle East and North Africa (MENA) region nearly one-in-ten children between the ages of 5 and 14 are involved in child labour.¹⁴⁵ Child labour rates, however, may actually be higher due to underreporting in sectors. The International Labour Organisation (ILO) admits that due to lack of data it is difficult to estimate that the actual extent of child labour in many of the countries, and as such the MENA regional was not included in ILO global estimates.¹⁴⁶ Although sectoral distribution of working children varies according to the country, in general, boys in urban areas are involved in small workshops, construction, and street vending, and girls in domestic service, while in rural areas, both girls and boys work often unpaid as family labour.

There have been significant advances on the legislative front on prohibiting exploitative child labour. National legislation in MENA countries prohibits exploitative child labour, and there is a regional trend towards mainstreaming child labour issues into national development policy frameworks. ILO reports that Arab States have shown a commitment to tackling child labour, with an almost 100 per cent ratification rate of labour standards related to children (the Minimum Age

141-UNFPA, ‘Review of Gender Based Violence Research in Lebanon’, 2011 <http://www.unfpa.org.lb/GBV%20Studies/Review%20of%20GBV%20research%20english%20purple%20position%202.pdf>

142-League of Arab States, ‘Marrakesh Declaration: Fourth Arab High Level Conference on the Rights of the Child Marrakech’, 19-21 December 2010

143-Committee on the Elimination of Discrimination against Women, ‘Concluding Observations: Libyan Arab Jamahiriya’, CEDAW/C/LBY/CO/5, 6 February 2009

144-Committee on the Rights of the Child, ‘Consideration of Reports Submitted by State Parties under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography Concluding observations: Oman’, CRC/C/OPSC/OMN/CO/1, 24 June 2009, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/432/06/PDF/G0943206.pdf?OpenElement>

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

146-ILO, ‘Challenges in the Arab World: An ILO Response’, 2011



Convention 138 and the Convention 182 on the Elimination of Worst Forms of Child Labour).¹⁴⁷ On the ground, however, enforcement however is generally weak, and legal protection is not generally extended to agriculture, domestic services, services in informal sector, where children tend to be concentrated.

Literature suggests that refugee children, street children and children from low-income families are particularly vulnerable to exploitative labour practices, including exploitative employers, poor wages, lack of training and physically inappropriate demand, and higher risk of physical punishment and sexual abuse. In Yemen, the government and local civil society organisations estimate there are hundreds of thousands of children in forced labour, particularly in domestic service, small shops, or begging.¹⁴⁸ Although the Yemeni and Saudi Arabian governments are increasingly addressing the issue of trafficking of children, with support from UNICEF,¹⁴⁹ Yemeni children, mostly boys, continue to be subjected to forced labour as beggars and street vendors in Saudi Arabia, facilitated by criminal gangs.

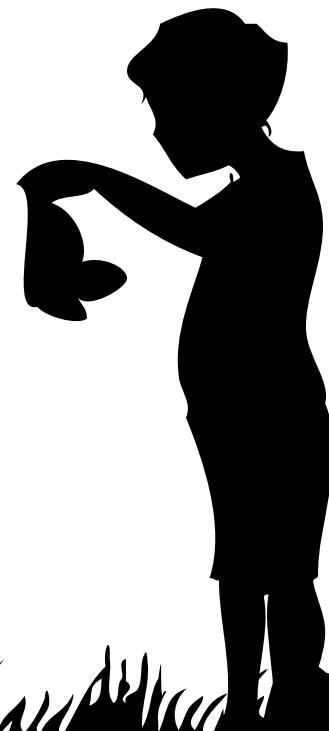
Governments across the region have implemented very few measures to improve enforcement. In Egypt, for example, articles related to child employment, including banning of employment in hazardous settings and regulations on working hours, are generally not

enforced, and there are reports that the majority of children economically exploited are below the age of 11. Governments need to invest more systematically in effective child labour inspection units and urgent controls by social services, mandatory training for the police, and awareness raising campaigns for children, parents, and employers on the dangers of child labour and the importance of education.

3.1.8 Trafficking

The extent to which boys and girls are vulnerable to trafficking for economic and/or sexual exploitation is difficult to gauge, due to the clandestine nature of operations. Children may be trafficked into forced labour, domestic work, begging, or prostitution.

Most of the countries have now signed the Optional Protocol to the Convention on the



¹⁴⁷-ILO, 'Regional Overview', January 2011

¹⁴⁸-US Department of State, 'Trafficking in Persons Report: 2011', 2011

¹⁴⁹-For an example of project aiming to address the issue of child trafficking, see, UNICEF, 'Where the streets are golden: Yemeni families traffic their boys to Saudi Arabia hoping for a better life' undated, http://www.unicef.org/protection/index_27525.html

Rights of the Child on the Sale and children, Child Prostitution and Child Pornography (OPSC), and there has been considerable anti-trafficking legislative progress across the region. In Syria, for example, the government issued in January 2010 a comprehensive anti-trafficking law, Legislative Decree No. 3, which provides new grounds for prosecuting trafficking and protecting victims, while in Jordan, in January 2009, the Jordanian parliament endorsed legislation to combat human trafficking, paving the way for the creation of an anti-human trafficking commission, and the development of a National Strategy to Combat Human Trafficking, launched in 2010. Oman and United Arab Emirates (UAE) have also successfully addressed the issue of child camel jockeys, and many of the child camel jockeys who were previously trafficked to these countries are being provided with compensation. Regionally, the League of Arab States is also increasingly addressing this issue, and with the support of the United Nations Office on Drugs and Crime (UNODC) is developing a comprehensive strategy on combating trafficking in persons.

In general, however, the countries are yet to fully comply with minimum standards for the elimination of child trafficking. For example, although the Yemeni and Saudi Arabian governments are increasingly addressing the issue of trafficking of children, Yemeni children, mostly boys, continue to be subjected to forced labour as beggars and street vendors in Saudi Arabia, facilitated by criminal gangs. Similarly although in 2009, the government of Algeria approved new legislation to criminalise trafficking in persons for the purpose of sexual and economic exploitation, as of 2010, no investigations, prosecutions, or convictions have been carried out under this law, and the government has not undertaken a campaign to increase public awareness of trafficking.

3.1.9 Birth registration

Birth registration is considered a fundamental right under Article 7 of the Convention on the Rights of the Child (Convention). There is a great variability across the Middle East and North Africa (MENA) region in birth registration rates, ranging from 99 per cent in Algeria and Egypt, to an astoundingly low 22

per cent in Yemen.¹⁵⁰ The next worst performer is Morocco, where birth registration rate hovers at 85 per cent.¹⁵¹

In the case of Yemen, and to a much lesser extent in Morocco, low birth rates are associated with the low number of civil registry field offices especially in remote rural areas. Despite almost universal birth registration in a number of countries, there are reports that specific groups of children are not accessing birth certificates, in Algeria, for example, concerns have been expressed that children born out of wedlock do not have access to birth certificates, whereas in Egypt, children living in the streets and children born in Egypt of migrant workers are not given a birth certificate by the civil registry.

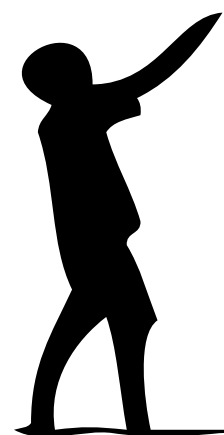
Article 7 gives every child the right to be registered at birth by the state within whose jurisdiction the child is born, meaning that states must make birth registration accessible and available to all children including asylum seekers, refugees and immigrants. Many of the MENA countries, however, have large populations of stateless persons, who are denied the right to officially register at birth. Children without birth certificates are effectively denied access to public services, including health and education services. This is the case for example, of Kuwait where an estimated 93,000 persons (called 'Bidoon'),¹⁵² have remained in legal limbo for the past fifty years, and have been denied classified as 'illegal residents' for the past two decades.¹⁵³

150-UNICEF, ChildInfo, 'Percentage of children under five who were registered at the moment of the survey', http://www.childinfo.org/birth_registration_tables.php

151-Ibid.

152-UNHCR, 'Kuwait 2011 Regional Operations Profile - Middle East', <http://www.unhcr.org/pages/49e4865f6.html>

153-Kuwait's Bidoon population originates from three broad categories: 1) those whose ancestors failed to apply for nationality or lacked necessary documentation at the time of Kuwait's independence in 1961; 2) those recruited to work in Kuwait's army or police force during the 1960s who permanently settled in Kuwait, along with their families; and 3) children of Kuwaiti mothers and stateless or foreign fathers.



By contrast, the United Arab Emirates (UAE) and Bahrain have taken steps to regularise or nationalise 'Bidoon' population over the past few years. In countries such as Lebanon and Syria there are reports that hundreds of thousands of persons remain stateless, without access to official documentation, including birth certificates in certain cases. This is the case for example of a significant number of Kurds (*maktumeen*, who have no form of identification at all) in Syria who face great difficulties in accessing health care, goods and services due to their statelessness, primarily because they lack proper forms of identification or have identification that makes clear their status as stateless.

3.1.10 Children in Conflict with the Law

The administration of juvenile justice remains problematic in many of the countries in the Middle East and North Africa (MENA) region.

Most glaringly, the prohibition on the death penalty for crimes committed by juvenile offenders is not respected across the region. Indeed, Yemen and Saudi Arabia are amongst the 5 countries identified by Human Rights Watch to have executed children under 18 years old since January 2005.¹⁵⁴ Saudi Arabia has no law prohibiting executions of persons under 18 at the time of the offense, despite repeated recommendations by the Committee to abolish capital punishment, corporal punishment including flogging, on juvenile offenders. By contrast, Yemen's Penal Code provides reduced sentences for crimes committed by persons under 18, including capital offenses. In practice, however, courts sometimes still sentence to death persons under age 18 at the time of the crime, when the individual cannot prove age at the time of the offense – a difficult task in a country where only small proportion of children are formally registered upon birth. According to one report, between 2006 and 2010, 14 children were reportedly executed, 11 children were on death row as of January 2011, and a further 84 children were at risk of being sentenced to death.¹⁵⁵

Juvenile justice is a critical area of concern for Palestinian children. In the occupied Palestinian territory (oPt), there have been no moves by Israel to ensure that international juvenile justice standards are being applied to Palestinians children and juveniles, despite recommendations by the Committee on the Rights of the Child (Committee) to improve the administration of juvenile justice and the right to a fair trial.¹⁵⁶ 2,000 children, some as young as twelve, have been charged with security offences between 2005 and 2009, and that there are growing reports of children being subjected to prolonged periods of solitary confinement and abuse, and without recourse to adequate legal representation. Of particular concern is increasing reports of violence and mistreatment of children by Israeli soldiers during patrols, as well as during the arrest, transfer to detention

154-Human Rights Watch, 'Enforcing the International Prohibition on the Juvenile Death Penalty', 30 May 2008

155-Child Rights Information Network (CRIN), 'Inhuman sentencing of children in Yemen', January 2011, http://www.juvenilejusticepanel.org/resource/items/C/R/CRINInhumanSentencingYemen11_EN.pdf

156-Committee on the Rights of the Child, 'Concluding Observations: Israel', CRC/C/OPAC/ISR/CO/1, 4 March 2010



and interrogation of children from East Jerusalem.¹⁵⁷ In Lebanon, according to UNICEF, “Palestinian children are in conflict with the law in about 10 per cent of all registered cases of juvenile delinquency”, which is disproportionately high compared to their share in the population. In South Lebanon, the situation is even more worrisome with up to 40 per cent of children in conflict with law cases involving Palestinians.¹⁵⁸

By contrast, countries such as Egypt have progressed towards developing child-rights oriented juvenile justice systems. In addition to increasing the age of criminal responsibility, detention conditions of children and youth deprived of liberty have been improved, in line with UN standards and norms in juvenile justice.¹⁵⁹ The effective enforcement of the 2008 Child Law will also ensure the detention of children as a last resort, will provide for segregation of children deprived from liberty from adults, will establish special Child Courts and Specialised Child Prosecution Offices and will make judicial oversight over juvenile care institutions mandatory.¹⁶⁰ Jordan is also preparing a draft Juvenile Law to emphasise community-based solutions and alternatives to detention, in line with the Convention on the Rights of the Child (Convention) which stresses that detention should be a measure of last resort only.¹⁶¹

3.2 Right to Education

3.2.1 Overview

Free basic education is guaranteed by law in all the countries of the Middle East and North African (MENA) region. The right to education is also enshrined in regional human rights instruments. The African Charter on Human and People’s Rights, adopted by the then Organisation of African Unity (OAU) in 1981, specifically stipulates that ‘every individual shall have the right to education’, and similarly Article 11 of the African Charter on the Rights and Welfare of the Child, adopted in 1990, also explicitly recognises the right to education. The Arab Charter on Human Rights, which came into force in 2008, also guarantees every citizen free education at least through the primary level, without discrimination of any kind. Civil society groups and the United Nations High Commissioner for Human Rights have expressed their deep concern that the right to education, under this Charter, is limited to child citizens.

A number of countries also guarantee free education at the pre-school level and/or the secondary level, and have initiated support schemes to cover costs of uniforms, books, or transport. For example, in the United Arab Emirates (UAE) free public education is guaranteed up until university for all citizens of the UAE, regardless of their nationality, gender or religion;¹⁶² in Saudi Arabia, pre-school education has been guaranteed for children since May 2002.¹⁶³ Basic education is compulsory in almost all of the countries of the MENA region, although the extent to which penalties are ascribed and enforcement varies across the region. In Libya, for example penalties are prescribed to parents or guardians who deny children their right to education: penalties may include fine, denial of access to government aid, assistance and loans as well as banking loan.¹⁶⁴

157- Ibid.

158-UNICEF, ‘Palestinian Children and Women in Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory Country Programme Document 2011-2013’, 2010

159-Commission on Crime Prevention and Criminal Justice, ‘National and International Efforts for Child Justice Reform through Improved Coordination of Technical Justice: Report of the Secretary General’, E/CN.15/2011/13, 25 January 2011 http://www.juvenilejusticepanel.org/resource/items/U/N/UNSGChildJusticeReform11_EN.pdf

160-Egyptian Foundation for the Advancement of Childhood Conditions and Penal Reform International, ‘National Conference on Juvenile Justice in Egypt: Final Declaration’, 10 January 2010

161-Laurent Chapuis, UNICEF Middle East and North Africa Regional Office, ‘Advancing Child Protection in Jordan, Lebanon, occupied Palestinian territory and Syria’, October 2010

162-Committee on the Rights of the Child, ‘Initial reports of States parties due in 1999: United Arab Emirates’, CRC/C/78/Add.2, 24 October 2001

163-Human Rights Council Universal Periodic Review ‘National Report Submitted: Saudi Arabia’, A/HRC/WG.6/4/SAU/1 4 December 2008

164-Right to Education Project, ‘At what age?... are school-children employed, married and taken to court?’, 2004 http://www.right-to-education.org/sites/r2e.gn.apc.org/files/age_new.pdf



Over the past decade, the MENA region has made significant progress in enhancing children's right to education, as demonstrated by high government investments in education sector, increased enrolment rates in primary and secondary schools and narrowing of gender gaps in education. While still lower than levels observed in Southeast Asia, Latin America, and East Asia, average levels of educational attainment in the MENA region witnessed the fastest expansion in the world between 1990 and 2010.¹⁶⁵ Many of the countries are on track to meet the Millennium Development Goals (MDGs) of universal primary education and gender gap closing by 2015.

3.2.2 Access to Primary Education

The MENA region has made significant progress towards universal primary education, with average net enrolment ratio rising from nearly 79 per cent in 1999 to 83 per cent in 2005.¹⁶⁶ By 2009, MENA region averaged 91 per cent school net enrolment ratio for boys and 86 per cent for girls.¹⁶⁷

Regional figures mask significant variations between the countries, as indicated by Table 1. At 98 per cent average for boys and girls, Bahrain and Tunisia have the highest level of primary net school enrolment in the region, while net primary school enrolment ratio is only 68 per cent in Oman, which is even lower than for resource-poor and conflict-ridden Yemen, where the rate net school enrolment averaged 73 per cent. In addition to these two countries which are not on track to meet the MDG of Universal Primary Goal, occupied Palestinian territory (oPt) and Iraq are also not on track to meet this MDG. In both countries, education levels have plummeted due to the volatile political and security environment. Indeed, the United Nations reports that enrolment rates have dropped by over 20 percentage points since 1999 in the oPt.¹⁶⁸

The crowning achievement of the region with regards to primary education is the closing of the primary education gender gap, according to the World Bank.¹⁶⁹ The only countries where the gender gap are still glaring are Yemen and Iraq, where there is respectively a 13 and 12 percentage point difference between girl and boys' primary school enrolment rates. While the participation of girls in primary education is still low in Yemen, it still represents a vast progress compared to 2000, when net enrolment rates were 20 points lower.¹⁷⁰

165-UNESCO, 'EFA Regional Report for the Arab States: 2011', 2011
166-Ibid.
167-Data includes Djibouti, Iran, and Sudan, UNICEF, ChildInfo Monitoring the Situation of Women and Children, available at http://www.childinfo.org/education_primary.php:
168-UNESCO, 'EFA Regional Report for the Arab States: 2011', 2011
169-World Bank, 'MENA Knowledge and Learning, Education in the Arab World', February 2009, <http://siteresources.worldbank.org/INTMENA/Resources/QuickNote2.pdf>
170-UNESCO, 'EFA Regional Report for the Arab States: 2011', 2011



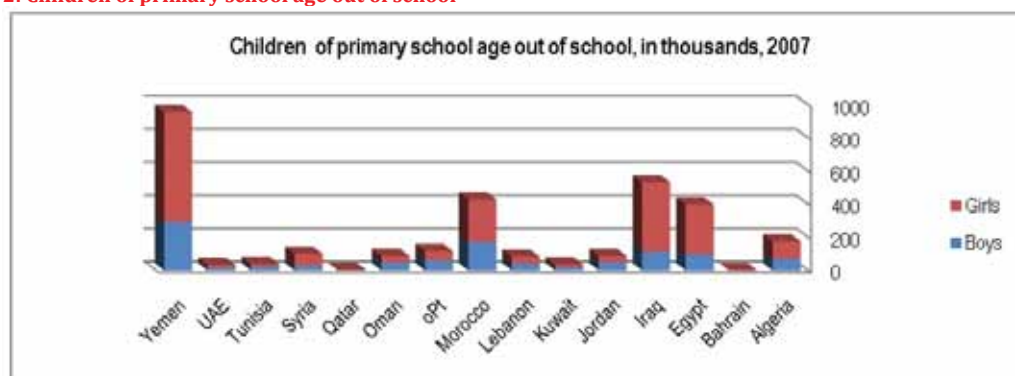
Table 4: Primary School Participation

	Primary school gross enrolment ratio 2005–2009			Primary school net enrolment ratio 2005–2009			Primary school net attendance ratio 2005–2009		
	Girls	Total		Girls	Total		Girls	Total	
Algeria	104	108		96	94	95	97	96	97
Bahrain	104	105		98	97	98	86	87	86
Egypt	97	100		95	92	94	96	94	95
Iraq	89	98		93	81	87	91	80	86
Jordan	97	97	97	89	90	89	99	99	99
Kuwait	96	95	95	89	87	88	-	-	
Lebanon	102	103		91	89	90	97	97	97
Libyan Arab Jamahiriya	108	110		-	-		-	-	
Morocco	102	107		92	87	89	91	88	89
Occupied Palestinian Territory	80	79	80	75	75	75	91	92	92
Oman	74	75	75	67	69	68	-	-	
Qatar	108	109		95	94	94	-	-	
Saudi Arabia	96	98		85	84	85	-	-	
Syrian Arab Republic	122	124		97	92	95	97	96	97
Tunisia	106	107		97	98	98	95	93	94
United Arab Emirates	108	108		92	91	92	-	-	
Yemen	94	76	85	79	66	73	75	64	70

Source: UNICEF, ChildInfo, 2011

The challenge to MENA countries is to extend quality education to children who have been left out of initial efforts to provide basic education. In 2007, a total of 3.1 million children of primary school age were out of school in the 15 out of 17 countries covered by this report, as Graph 2 illustrates.¹⁷¹ Yemen has the highest concentration of out of school children, with over 664,000 girls, and 293,000 boys out of primary school in 2007. Morocco has a total 430,000 out of school children, out of which 260,000 are girls. In the region, there is a clear gender bias against the education girls, with nearly 67 per cent of out of school children girls. Regional data suggest inter-generational factors play a role: the mothers of 80 per cent of out of school children are totally illiterate.¹⁷²

Figure 2: Children of primary school age out of school



Source: UNICEF, ChildInfo, 2011

171-No data was available for Libya and Saudi Arabia, If Djibouti, Iran, and Sudan are also included in MENA statistics, the total number of children of primary school age out of school increases up to 6.7 million. UNICEF, 'Children out of school', http://www.childinfo.org/education_outofschool.php

172-UNESCO, 'EFA Regional Report for the Arab States: 2011', 2011



Typically, children who are excluded from primary school, or who drop out before completing primary education are poor, living in disadvantaged rural communities, or in urban slums. In other words, spatial and wealth disparities in educational attainment can be discerned in many of the countries, with low-income households in economically lagging communities tending to have least access to primary education. In Morocco, a child from the poorest wealth quintile is 17 percentage points less likely to have completed primary education than someone from the richest quintile.¹⁷³

The Committee on the Rights of the Child (Committee) has consistently recommended countries to reduce disparities in access to educational services, for example, in 2003, upon reviewing the periodic report of Syria, the Committee expressed its concerns about the disparities in access to educational services between rural and urban areas, with rural north and north-east of the country lagging behind in social indicators.¹⁷⁴ In its review of educational indicators in the MENA region, the World Bank concludes that the income level of households is a determinant factor: “put simply, this finding means that the priority is to make it easier for poor households to keep their children in school, not to build more facilities in poor places”.¹⁷⁵ Children in urban slums for example may have more limited access to education than children in rural areas: in Egypt, the net primary education enrolment rate is 7 percentage points higher in rural areas than in slums.¹⁷⁶ This may be due to lower income of households in urban slums, which push children to work.

3.2.3 Secondary Education

Participation in secondary education varies greatly by country, with net secondary school enrolment ratios varying from 89 per cent in Bahrain to 34 per cent in Morocco.¹⁷⁷ Jordan,

UAE, Kuwait, and oPt all have net secondary school enrolment ratios exceeding 80 per cent, while Egypt, Lebanon, Oman, Qatar, Saudi Arabia, are in the 70 per cent range and Algeria in the 60 per cent range. After Morocco, the worst performers are Yemen (37 per cent) and Iraq (40 per cent).

Although the MENA region has still to attain full secondary school enrolment, there has been significant progress in reducing gender gap. Algeria, Bahrain, Jordan, Lebanon, oPt, Qatar, Tunisia and UAE all have higher net secondary school enrolment ratios for girls than boys. This indicates that once girls enter school, then tend to stay longer than boys. The most striking example is Qatar, where girls’ average ratio is a high 97 per cent and boys’ ratio is 67 per cent, a difference of 31 percentage points. Qatar has witnessed a substantial decline in boys’ secondary school enrolment ratio since 2006, a surprising occurrence in a country with one of the highest per capita Gross Domestic Product (GDP) in the world. The countries with significant gender gaps to the disadvantage of girls are countries with low secondary school participation rates: Iraq (46 per cent for boys and 33 per cent for girls), Morocco (37 per cent for boys and 32 per cent for girls) and Yemen (49 per cent for boys and astoundingly low 26 per cent for girls).

As in the case of primary education, geographical disparities and wealth inequalities are some of the main determinant factors in secondary school participation. These disparities in fact tend to widen as children grow older: in Egypt, at the primary school level, the percentage of poor children in primary schools is 7 per cent lower than for better-off children, and at the secondary level, it is 24 per cent lower.¹⁷⁸ In Jordan, rural-urban gaps in educational attainment rates is 5 percentage points for primary education and 11 percentage points for secondary for secondary schools.¹⁷⁹

173-World Bank, ‘Poor Places, Thriving People How the Middle East and North Africa Can Rise Above Spatial Disparities’, 2011

174-Committee on the Rights of the Child, ‘Concluding Observations: Syrian Arab Republic’ CRC/C/15/Add.212, 10 July 2003

175-World Bank, ‘Poor Places, Thriving People: How the Middle East and North Africa Can Rise Above Spatial Disparities’, 2011

176-Ibid.

177-2005-2009 figures, UNICEF, ChildInfo, ‘Secondary School Participation’, http://www.childinfo.org/education_secondary.php

178-UNDP, ‘Arab Human Development Report 2009: Challenges to Human Security in the Arab Countries’, 2009

179-World Bank, ‘Poor Places, Thriving People How the Middle East and North Africa Can Rise Above Spatial Disparities’, 2011



3.2.4 Exclusionary Policies and Practices

State parties to the Convention are obliged to ensure that rights, enshrined in the Convention, apply without discrimination to all children within their jurisdiction – this means that education rights apply to all children without exception, including those without legal citizenships, including refugees and stateless persons. Indeed, one major criticism which has been levied against the League of Arab States' Arab Charter on Human Rights, which entered into force in March 2008, is that it restricts the right to education to citizens.

Surveys and statistics highlight that in addition to non-citizens and poor children in economically lagging communities, specific groups of children are vulnerable to being excluded from primary and secondary education. These include working children, children living with disabilities, children living in situations of conflict and insecurity, stateless persons and refugees. In line with repeated recommendations of the Committee, many of the countries are improving legislative, policy, and institutional environment for specific groups of vulnerable children. In Kuwait for example, the Ministry of Education approved in 2003, the extension of free basic education to children of Bidoon parents, through setting up a Charitable Fund, overseen by Ministry of Education, Public Foundation for Endowments and the Executive Committee for the Affairs of Irregular Migrants, to subsidise education. In Lebanon, all refugee and asylum-seeking children registered with UNHCR have access to Lebanese schools by virtue of a ministerial decree issued in 2008. Similarly the Saudi Ministry of Education is now said to be taking steps to ensure that Bidoon children are able to attend school.¹⁸⁰

In practice however, exclusionary practices persist. In interviews with Human Rights Watch, some Bidoon parents in Kuwait reported that their children were not covered through the government-administered educational fund, and that Bidoon children may also be denied birth certificates needed to attend primary and secondary school.¹⁸¹ Palestinian refugees in Lebanon have lower educational attainment

results than Lebanese citizens: survey results show that 8 per cent of Palestinian refugee children between 7 and 15 years old were not at school in 2010 while 50 per cent of youths in secondary school age (16-18 years old) were not enrolled in education.¹⁸²

Despite many of the countries adopting favourable legislative frameworks for the right to education of children living with disabilities, concrete progress in enhancing access to education remains generally limited due to lack of adequately equipped buildings, adapted school curricula, teaching materials, as well as trained teachers. In Tunisia for example, while the right of children living with disabilities to access education is enshrined in Act No. 2005-83 of August 2005, inclusion strategy is not equally implemented in schools, and many integrated schools are not equipped or trained to receive children living with disabilities.¹⁸³ Similarly, in 2007, Jordan announced its commitment to providing education services to children living with disabilities, but the recipients of these services remains low.¹⁸⁴ In its 2011 Concluding Observations, the Committee has expressed its concerns that only an extremely low number of children with disabilities (1 per cent) enjoy their rights to education compared to other children in Egypt.¹⁸⁵ Across the region, given that more 95 per cent of children living with disabilities are not integrated into schools¹⁸⁶, much more efforts would need to be expended to ensure the right to education of children living with disabilities.

3.2.5 Quality of Education

The MENA countries have committed more resources to education and are spending more public expenditure per pupil at all levels of education than other developing countries at a

182- American University of Beirut, 'Socio-Economic Survey of Palestinian Refugees in Lebanon', 30 December 2010, available online at <http://www.unrwa.org/userfiles/2011012074253.pdf>

183-Committee on the Rights of Persons with Disabilities 'Concluding Observations: Tunisia', 29 April 2011, Advanced Unedited Version, CRPD/C/TUN/CO/1

184-Save the Children, 'Upholding Children's Rights to Education during Crisis' (Arabic), Unofficial Translation, 2011

185-Committee on the Rights of the Child, 'Concluding Observations: Egypt', CRC/C/EGY/CO/3-4, 20 June 2011, Advance Unedited Version

186-2005 World Bank report cited in Save the Children, 'Upholding Children's Rights to Education during Crisis' (Arabic), Unofficial Translation, 2011

180-UNHCR, 'The situation of stateless persons in the Middle East and North Africa', October 2010

181-Human Rights Watch, 'Prisoners of the Past', June 2011, <http://www.hrw.org/en/node/99554/section/3>



similar level of per capita income.¹⁸⁷ In 2008, education spending as share of Gross Domestic Product (GDP) amounted to 5.7 per cent, the highest proportional spending in the world.¹⁸⁸

Despite the region's heavy investment in education, the quality of education remains low. In Algeria for example, quality of school education is negatively affected by overcrowded classrooms and inadequate training of teachers and infrastructure, undermining the overall value of free and equal access.¹⁸⁹ The quality of schooling in rural areas tends to be lower than in urban areas; this may be due to a tendency for experienced teachers to migrate from rural to urban areas, as is the case of Morocco and Egypt.¹⁹⁰ In general, across the region, teaching is characterised by rote learning with little emphasis on problem-solving. Interactive and inquiry-based teaching methods are rare. Achieving better quality will require additional incentive mechanisms for teachers as well as additional public accountability measures.¹⁹¹

Low quality of education is demonstrated by low average scores on international tests. Arab countries regularly score below the levels that might be predicted on the basis of their income. Kuwait and Qatar for example were among the worst performers in the 2006 Progress in International Reading Literacy Study (PIRLS).¹⁹² None of the twelve countries that participated in 2007 Trends in International Mathematics and Science Study (TIMSS) test on 8th grade Math and Science reached the average scale.¹⁹³ Results from the 2009 Programme for International Student Assessment (PISA)

confirm that the quality of learning in Arab region continues to be less than desirable.¹⁹⁴ Across many of the countries, education is not aligned to labour market needs, and thus in many economic returns to education remain subdued. According to the World Bank, cross-country experience suggests that this is largely due to the poor quality of education.¹⁹⁵

Recognising that educational investment is not commensurate with results, countries across the region are implementing educational reforms. Lebanon has devised a 2003-2015 national education plan that focuses, amongst others, on expanding and improving early education, providing literacy programmes for school dropouts, and expanding inclusive education projects.¹⁹⁶ Regionally, there has also been renewed commitment towards ensuring quality education for all. In September 2010, the Ministers of Education of 17 countries, in a colloquium organised in cooperation with the Qatar Foundation for Education, Science and Community Development and the Arab League Educational, Cultural and Scientific Organisation (ALECSO), and United Nations' education arm (UNESCO), signed the Doha Declaration, formalising steps to be undertaken in order to improve education quality.¹⁹⁷

3.2.6 Early Education

Early childhood care and education (ECCE) is one of the six goals of Education for All (EFA) by 2015.¹⁹⁸ Provision of ECCE not only enhances learning outcomes of children in their later lives, but has further aim of breaking the link between poverty and early childhood disadvantage. After decades of neglect, many of

187-Data includes Iran and Djibouti. World Bank 'The Road Not Travelled: Education Reform in the Middle East and North Africa', 2008

188-UNESCO, 'EFA Global Monitoring Report: The Hidden Crisis: Armed conflict and Education', 2011

189-UN Human Rights Council, 'Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk – Addendum: Mission to Algeria', A/HRC/7/6/Add.2, 13 February 2008

190-World Bank, 'Poor Places, Thriving People How the Middle East and North Africa Can Rise Above Spatial Disparities', 2011

191-World Bank, 'MENA Knowledge and Learning, Education in the Arab World', February 2009, <http://siteresources.worldbank.org/INTMENA/Resources/QuickNote2.pdf>

192-UNESCO, 'EFA Global Monitoring Report: The Hidden Crisis: Armed conflict and Education', 2011

193-World Bank, 'MENA Knowledge and Learning, Education in the Arab World', February 2009, <http://siteresources.worldbank.org/INTMENA/Resources/QuickNote2.pdf>

194-UNESCO, 'EFA Regional Report for the Arab States: 2011', 2011

195- World Bank, 'MENA Knowledge and Learning, Quality of Education', March 2010, <http://siteresources.worldbank.org/INTMENA/Resources/QN22-.pdf>

196-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Lebanese Republic, A/HRC/WG.6/9/LBN/1, 23 August 2010, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LB/A_HRC_WG.6_9_LBN_1_E_Lebanon-eng.pdf

197-UNESCO, 'Ministerial Colloquium on Quality of Education in the Arab States', 30 September 2010, http://www.unesco.org/new/en/beirut/single-view/news/ministerial_colloquium_on_quality_of_education_in_the_arab_states/

198-For information on all 6 goals of the Education for All, see UNESCO, 'Education for all by 2015', http://portal.unesco.org/education/en/ev.php-URL_ID=42579&URL_DO=DO_TOPIC&URL_SECTION=201.html



the countries in the MENA region are starting to emphasise ECCE in their national educational policies. Jordan's National Action Plan for Children, for example, calls for improved access of children to pre-school education, with target enrolment goals of 50 per cent for 4-year olds and 70 per cent for 5-year olds by 2013,199 while Egypt has an ambitious goal of 100 per cent by 2015.²⁰⁰

Across the region, pre-primary education has witnessed an increase in enrolment rates over the last decade, with gross enrolment rates increasing from 15 to 19 per cent between 1999 and 2009.²⁰¹ The region however is characterised by considerable regional disparities as well as rural-urban discrepancies within the countries. Even within oil-rich Gulf countries, there are striking differences in enrolment rates, with UAE being the top performer (94 per cent), while Saudi Arabia is the worst performer (11 per cent).²⁰² Gross enrolment rates are over 50 per cent in Bahrain, Kuwait, Lebanon, Morocco, Qatar, and the UAE, while they are less than 10 per cent in Iraq, Libya, Syria and Yemen.²⁰³

Although pre-primary education has witnessed an increase in enrolment, the sector still suffers from a “lack of investment, public understanding of its importance in a child's early cognitive and social development and an overall lack of resources including trained staff and curriculum standardisation”, according to the United Nations Educational, Scientific and Cultural Organisation (UNESCO).²⁰⁴ Equity issues also arise from the fact that more than 75 per cent of pre-primary enrolment is being provided by the private sector in more than half



199-UNESCO, 'EFA Regional Report for the Arab States: 2011', 2011

200-Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007: Egypt', CRC/C/EGY/3-4, 4 September 2010

201-Average regional rate includes countries not covered by this report namely Djibouti, Mauritania and Sudan. UNESCO, Institute of Statistics, 'Enrolment Ratios by ISCED Levels', <http://stats.uis.unesco.org/unesco/TableViewer/tableView.aspx?ReportId=182>

202- Average regional rate includes countries not covered by this report namely Djibouti, Mauritania and Sudan. UNESCO, Institute of Statistics, 'Enrolment Ratios by ISCED Levels', <http://stats.uis.unesco.org/unesco/TableViewer/tableView.aspx?ReportId=182>

203-UNESCO, 'EFA Regional Report for the Arab States: 2011', 2011

204-Ibid.



of the countries - in Bahrain, Jordan, Morocco, Oman and the oPt, private sector is almost the only provider of pre-school education.²⁰⁵ Children of impoverished families that live in economically lagging areas are therefore the least likely to benefit from ECCE programmes.

3.3 Right to Survival and Development

3.3.1 Overview

The countries of the Middle East and North Africa (MENA) are bound by Article 6 of the United Nations Convention on the Rights of the Child (Convention) to ensure to the maximum possible the survival and development of the child. State parties thus have obligations to take measures to decrease infant and child mortality, to provide primary health care services and pre-natal and post-natal health care for mothers, address malnutrition, and promote knowledge on the advantages of breastfeeding, for example. All the MENA countries enshrine the right to health for children, and a number of countries specifically refer to survival and development, including Bahrain, where Article 5 of the Constitution guarantees to the extent possible the survival and development of the child,²⁰⁶ and Egypt, where the right of the child to life, survival and development within a harmonious family environment is guaranteed under the 2008 Child Law.

3.3.2 Child and Infant Mortality

The MENA region has made significant progress in improving health status of its children. Child and infant mortality rates, significant indicators of progress in promoting children's rights to survival and development, have been steadily declining over the past two decades. Most of the countries are now on track to meet the child mortality target of Millennium Development Goal (MDG) by 2015, although conflict-affected areas and poor regions within better off countries are lagging behind.²⁰⁷

Between 1990 and 2009, infant mortality rate for the MENA region (including countries not covered through this report) decreased by 44 per cent, while child mortality decreased by 47 per cent.²⁰⁸ The countries that have achieved the most significant reductions are Egypt, Lebanon, and Oman, as the table below indicates. In 1990, Egypt's child mortality rate was 90 per 1,000 live births, the highest in the region; by 2009, it dropped to 21. In general, with the exception of Lebanon and Saudi Arabia, infant and child mortality rates are correlated with economic standing of the countries: the Gulf countries have the lowest rates, almost at par with industrialised countries, while Yemen records a high 66 child mortality rate, well above the regional average. The United Arab Emirates (UAE) has the lowest child and infant mortality rates in the region (at 7 per 1,000 live births). Out of all the MENA countries, the only country that appears to have done less well than expected is Lebanon, perhaps because the country was in a state of conflict during the 1980s

205-UNESCO, 'EFA Global Monitoring Report: Education for All by 2015, Will we make it?', 2008

206-Committee on the Rights of the Child, 'Second and third periodic reports of States parties due in 1999: Bahrain', CRC/C/BHR/2-3, 25 March 2010

207-World Bank, 'Middle East and North Africa Health Brief', September 2010

208-Includes Iran, Djibouti and Sudan, UNICEF, ChildInfo, Trends in under-five mortality rates (1960-2009), http://www.childinfo.org/mortality_ufrcountrydata.php and Trends in infant mortality rates, http://www.childinfo.org/mortality_imrcountrydata.php



and possibly because there was a lack of attention paid to public provision of health care.²⁰⁹

Table 5: Infant and Child Mortality Rates

Country	Child Mortality Rate (per 1,000 live births)			Infant Mortality Rate (per 1,000 live births)		
	1990	2000	2009	1990	2000	2009
Algeria	61	46	32	51	40	29
Bahrain	16	13	12	14	11	10
Egypt	90	47	21	66	38	18
Iraq	53	48	44	42	38	35
Jordan	39	30	25	32	25	22
Kuwait	17	13	10	14	11	8
Lebanon	40	24	12	33	21	11
Libya	36	25	19	32	23	17
Morocco	89	55	38	69	46	33
oPt	43	30	30	35	26	25
Oman	48	22	12	37	18	9
Qatar	19	14	11	17	13	10
Saudi Arabia	43	23	21	35	20	18
Syria	36	22	16	30	19	14
Tunisia	50	27	21	40	23	18
UAE	17	11	7	15	10	7
Yemen	125	100	66	88	73	51

Source: UNICEF, *ChildInfo*

Statistical analysis confirms a strong relationship between child mortality improvements in the MENA region over the past decades and the level of female education, illustrating that investments in female education have had a positive impact on child survival and development.²¹⁰ Another important factor behind reductions in mortality rates across the region is increased immunisation coverage across the region. In Jordan for example, 95 per cent of under-one infants are now immunised against tuberculosis, and 98 per cent against combined DPT (diphtheria, pertussis, and tetanus).²¹¹

In general, the vast majority of deaths occur in the first year of life, suggesting that “policymakers need to address the causes of infant mortality, as distinct from those responsible for child mortality, particularly low birth weight, diarrhoea and infection...and obstetric complications”.²¹² There are also growing concerns that adverse factors at the macro-level, namely food prices and climate change and variability will impact negatively upon food security and child nutrition.

3.3.3 Infant and Child Health Challenges

Globally, under-nutrition contributes to over one-third of child deaths and among those who survive, adversely impacts on their development. Child malnutrition remains a significant problem in many of the MENA countries, but has thus far received little attention from policy makers. Libya

209-World Bank, ‘Sustaining Gains in Poverty Reduction and Human Development in the Middle East and North Africa’ 2006

210-Ibid.

211-UNICEF, ‘Jordan Statistics’, http://www.unicef.org/infobycountry/jordan_statistics.html

212-UNICEF, ‘Children in the Arab World: Understanding the Present, Shaping the Future’, December 2003, http://www.unicef.org/tn/medias/hlm/arab_child.pdf



for example has a much higher rate of stunting (21 per cent) than expected in a middle income country.²¹³ In Iraq, an estimated 26 per cent of children under the age of five are stunted, 6 per cent are underweight, and 6 per cent are wasted.²¹⁴ Despite advances in health care, in Egypt, in total, an estimated 1.6 million children under five years of age suffer from health and food deprivation.²¹⁵ Given the severity of drought and its impact on food insecurity, Syria is not expected to meet the Millennium Development Goal (MDG) of meeting halving the prevalence of underweight children under five years of age by 2015.²¹⁶

The region is also characterised by an extremely low rate of exclusive breastfeeding for infants up to six months, a contributing factor towards child malnutrition. Despite public information campaigns, breastfeeding habits are poor. In its 2005 Concluding Observations of Algeria's periodic report on the implementation of the Convention, the Committee of the Rights of the Child (Committee) expressed concern about the decreasing use of exclusive breastfeeding of children less than 6 months old, estimated now at an extremely low 7 per cent.²¹⁷

3.3.4 Disparities

An analysis of the Concluding Observations of the Committee for the MENA countries confirms that the countries need to pay more attention to decreasing disparities and extending services to vulnerable groups of children. For example, in its 2006 Concluding Observations, the Committee commended Lebanon on its healthcare system and appreciated the decline in infant and under-5 mortality rates but expressed its concern for limited access of disadvantaged families in accessing quality health services, and regional disparities in the provision of health services, including national immunisation programmes.

Although the MENA region has made considerable progress towards improving the health of mothers and children, disparities within these countries persist, making this progress inequitable.²¹⁸ In Morocco for example, although infant mortality has fallen in both urban and rural populations over the past 20 years, the absolute disparity in rates between urban and rural communities have remained the same. Clear geographic disparities exist in Lebanon as well where over 80 per cent of children in Beirut are vaccinated against measles, mumps, and rubella (MMR), but only 27 per cent in Bekaa.²¹⁹

A recent UNICEF reports finds that health inequalities in relation to the wealth index are more pronounced than those between urban and rural populations. How poor a child is affects his or her access to healthcare, including vaccination programmes, food, and sanitation water, all determinant factors in a child's survival and development. In general in the Middle East, children born to the richest 20 per cent of the population are more likely to survive and be vaccinated than children from poorer households.²²⁰ Yemen has one the highest survival inequalities: in Yemen, a child born among the poorest 20 per cent of the population is three times more likely to die before the age of five than a child from the richest 20 per cent.

In addition, refugees and internally displaced persons are also vulnerable. For example, the right to survival and development of Sahrawi refugee children in Tindouf is fragile; at 62 per 1,000 live births under-five mortality rate is higher than national average: infants are particularly vulnerable to

213-2003-2009 figures, UNICEF, 'Libya Statistics', http://www.unicef.org/infobycountry/laj_statistics.html#73

214-2003-2009 figures, UNICEF, 'Iraq', http://www.unicef.org/infobycountry/iraq_statistics.html

215-UNICEF, 'Child Poverty and disparities in Egypt', 2010

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

217-2005-2009 figures, UNICEF, 'Algeria Statistics', http://www.unicef.org/infobycountry/algeria_statistics.html

218-UNICEF, 'UNICEF says rural poor lagging behind in health in Middle East and North Africa', 10 May 2011, <http://reliefweb.int/node/401042>

219-World Bank, 'Poor Places, Thriving People How the Middle East and North Africa Can Rise Above Spatial Disparities', 2011

220-UNICEF, 'UNICEF says rural poor lagging behind in health in Middle East and North Africa', 10 May 2011, <http://reliefweb.int/node/401042>



acute diarrheal disease and respiratory infections, exacerbated by inadequate water and sanitation facilities.²²¹

3.3.5 Steps Forward

Statistical analysis, regional reports²²², and Concluding Observations of the Committee suggest that the following steps are needed to ensure survival and development of children in the MENA region:

- Targeting primary health care interventions, nutrition, and immunisation programmes, at children that suffer from discrimination and fall outside existing safety nets, whether due to poverty, geographical location, gender, disability, ethnicity or citizenship status;
- Allocating more government resources strengthen the outreach of health services especially in disadvantaged areas, including training of community health workers to deliver cost-effective and affordable quality services;
- Providing incentives by eliminating user fees and covering or reimbursing transportation costs for the poor and marginalised segments of the population;
- Strengthening data collection methods and tracking systems, especially for vulnerable groups of children, including children living with disabilities and children of migrants.

3.4 Right to Health

3.4.1 Overview

The right to health is guaranteed in the legislation of all Arab countries, and is enshrined in regional treaties. The League of Arab States' Amended Arab Charter on Human Rights (Charter), which entered into force in 2008, recognises the “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the right of the citizen to free basic health care services and to have access to medical facilities without discrimination of any kind”.²²³ Under the Charter, the State Parties are also obliged to promote health care through promoting health education, providing basic nutrition and safe drinking water for all. Furthermore, Article 40 specifically guarantees health rights of people living with physical and mental disabilities. In March 2011 the Arab Health Ministers Council launched the Beirut Declaration for Women and Child Health Rights, the first regional declaration affirming the importance of promoting child health.²²⁴ The League of Arab States' Charter however does not specifically guarantee the right to health of non-citizens, falling short of standards enshrined in the Convention on the Rights of the Child (Convention), which apply without discrimination to all children in the jurisdiction of State Parties, including non-citizens. The Arab countries, members of the African Union, have also signed up to the African Charter on Human and People's Rights and the African Charter on the Rights and Welfare of the Child, two key regional instruments which protect the right to health.

Over the past twenty years, the Arab region has witnessed significant advances in improving the health status of children and adolescents, mainly through an expansion of the provision of public health services.²²⁵ The countries with some of the worst child health indicators – Iraq, Syria, and Yemen – are also the countries with low health spending. Government expenditure on health as percentage of total government expenditure is 3.1 per cent in Iraq, the lowest in the region. The correlation between health spending and health outcomes however is not straight forward: Oman has one of the most sophisticated healthcare systems in the region, but total expenditure on health

221-UNICEF, 'Humanitarian Action for Children Middle East and North Africa', 2011 http://www.unicef.org/hac2011/files/HAC2011_4pager_MENA_rev1.pdf

222-UNICEF, 'UNICEF says rural poor lagging behind in health in Middle East and North Africa', 10 May 2011, <http://reliefweb.int/node/401042>

223-Article 39, WHO Regional Office for the Eastern Mediterranean, 'Arab Charter on Human Rights'

224-Lebanese Ministry of Health, 'Beirut Declaration for Woman and Child Health Rights', 11 March 2011, <http://www.moph.gov.lb/Media/Pages/BeirutdeclarationforWomanandChildHealthRights.aspx>

225-United Nations and League of Arab States, 'The Third Arab Report on the Millennium Development Goals 2010 and Impact of the Global Economic Crisis', 2010



s a percentage of gross domestic product (GDP) is 3 per cent.²²⁶

3.4.2 Disparities in Health Availability

Despite significant health gains across the region, a number of challenges remain in ensuring the health rights of children and adolescents. Foremost amongst these are striking geographic disparities in the availability of health care. The World Bank reports that there are “localised pockets of bad health indicators in countries such as Lebanon, Egypt, Tunisia, Jordan, and Morocco”.²²⁷

The issue of disparities in the availability of health care has been consistently raised by the Committee on the Rights of the Child (Committee) in its review of the periodic reports of State Parties of the Arab region on the measures taken to ensure the realisation of rights enshrined in the Convention on the Rights of the Child (Convention). In its 2005 Concluding Observations of Algeria’s periodic report, for example, the Committee deplored the “disparities, which are often extreme, between rural and urban areas regarding access to health services” and recommended prioritise health services for children belonging to the most vulnerable groups.²²⁸ In 2006, in its review of Jordan’s periodic report, the Committee expressed concern at *de facto* discrimination against children living in remote areas and questioned whether the resources allocated for the delivery of basic services like healthcare were sufficient to meet the needs of vulnerable children outside the capital.

In addition, a review of Concluding Observations of the Committee suggests that there are grounds for children of groups such as the Bidoon in Kuwait and Saudi Arabia, ethnic minorities such as the Kurds in Syria, migrant workers and refugee populations, may not be accessing health care. For example, a significant number of *maktumeen* Kurds in Syria (who have no form of identification at all) face great difficulties in accessing health care, goods and services due to their statelessness, primarily because they lack proper forms of identification or have identification that makes clear their status as stateless.²²⁹

A positive step has been the reform of nationality legislation in Egypt, Morocco, Algeria and Iraq to introduce greater gender equality in the enjoyment of nationality rights, and steps taken to naturalise stateless persons in Bahrain, United Arab Emirates and Oman, enabling in theory larger numbers of children (formerly considered non-citizens) to enjoy greater access to healthcare.²³⁰

3.4.3 Children Living with Disabilities

All the MENA countries, with the exception of Kuwait, have signed, ratified or acceded to the Convention on the Rights of Persons with Disabilities (2009). There have also been considerable advances in the development of national legislative, policy, and institutional frameworks. Syria’s National Plan to Combat Disability, adopted in 2008, represents an important policy step in the process of improving healthcare for children living with disabilities, including through the provision of free rehabilitative and therapeutic services.

However, despite such advances, across the region, access to health care of children living with disabilities may still be severely restricted. The Committee on the Rights of the Child has also repeatedly urged MENA countries to provide children living with disabilities with access to adequate health services. In the case of Jordan, in 2003, for example, the Committee welcomed the establishment of community-based rehabilitation projects, however, warned that only a small

226-WHO database, ‘Health Expenditure Ratios’, <http://apps.who.int/ghodata/?vid=1901#>

227-World Bank, ‘Poor Places, Thriving People How the Middle East and North Africa Can Rise Above Spatial Disparities’, 2011

228-Committee on the Rights of the Child, ‘Concluding Observations: Algeria’, CRC/C/15/Add.269, 12 October 2005, [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/\\$FILE/G0544259.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/$FILE/G0544259.pdf)

229-Human Rights Council, ‘Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health’, Anand Grover, A/HRC/17/25/Add.3, 21 March 2011

230-For more information on stateless in the MENA region, see UNHCR, ‘Regional Expert Meeting on the Human Rights of Stateless Persons in the Middle East and North Africa Amman’, 18-19 February 2010



proportion of children may be benefiting from these services, either due to the limited number of projects or lack of awareness of families on the availability of these services. In 2011, in its Concluding Observations of Egypt's periodic report, the Committee expressed concerns that rehabilitation services and general health insurance schemes do not cover children with disabilities who are outside the education system, affecting especially children with mental, severe and multiple disabilities.

3.4.4 Sexual and Reproductive Health Status of Adolescents

Sexual and reproductive health rights are considered to be integral elements of the right to health.²³¹ The Committee on the Rights of the Child (Committee) has also stated that “in light of articles 3, 17 and 24 of the Convention, States parties should provide adolescents with access to sexual and reproductive information, including on family planning and contraceptives, the dangers of early pregnancy, the prevention of HIV/AIDS and the prevention and treatment of sexually transmitted infections (STIs)”.²³² This is all the more important as the prevalence of HIV and AIDS, although relatively low in Arab countries, might be on the rise.

Too often, however, youth sexual and reproductive health promotion is excluded from national health policies and programmes of MENA countries, despite repeated recommendations by the Committee. In general, gender and age disaggregated data on issues pertaining to sexual health in particular are rare in the region. Available data does indicate that adolescents' access to sexual and reproductive health information and services is limited and that many girls and boys demonstrate low level of knowledge, including on STIs.

Progress on youth sexual and reproductive health has been modest and uneven across the region. Morocco and Yemen stand out for having clear and detailed focus on youth sexual reproductive health in their official national

policy documents.²³³ In other countries, there has been increased recognition by governments that sexual and reproductive health services do not sufficiently target children and adolescents. Generally with support from the United Nations Children's Fund (UNICEF), MENA countries have started to implement sexual and reproductive health initiatives – although these have often remained fragmented, limited in scope or uncertain. For example, while Lebanon has initiated efforts to introduce reproductive health education in school curriculum, Egypt decided in 2009-2010 to delete sexual and reproductive health from the curriculum.²³⁴ In the occupied Palestinian territory (oPt), recognising that there is a lack of youth friendly spaces which offer access to means of prevention, treatment, and care²³⁵ ‘adolescent friendly spaces’ have integrated reproductive and sexual health information and services.²³⁶ In Egypt, in collaboration with non-governmental organisations (NGOs), the Ministry of Health has been running ‘youth friendly clinics’ since 2004.²³⁷

3.4.5 Emerging Child and Adolescent Health Challenges

A number of emerging child and adolescent health challenges that have not received adequate government attention can be discerned, including mental health of adolescents, accident prevention, and obesity.

UNICEF argues that in the Gulf region, adolescents may be turning, out of frustration, to “unhealthy and irresponsible lifestyles, with visible trends towards tobacco and drug use”.²³⁸ Mental health issues are not sufficiently addressed across the region, and in its Concluding Observations, the Committee on the Rights of the Child for example, has recommended Jordan, Bahrain, Egypt to enhance the quality

231-United Nations, ‘The right of everyone to the enjoyment of the highest attainable

standard of physical and mental health’, Commission on Human Rights resolution 2003/28

232-Committee on the Rights of the Child, ‘General Comment N. 4 (2003), ‘Adolescent Health and Development in the Context of the Convention on the Rights of the Child’, CRC/GC/2003/4, 1 July 2003

233-Population Reference Bureau, ‘Facts of Life: Youth Sexuality and Reproductive Health in MENA’, 2011

234-Ibid.

235-Survey cited in UN Theme Group on HIV/AIDS for the occupied Palestinian Territory & National AIDS Committee, ‘Proposal Round 7 Submission to the Global Fund to Fight Aids, Tuberculosis, and Malaria’, 2007

236-UNICEF, ‘UNICEF oPt Monthly Update’, July 2010, <http://unispal.un.org/UNISPAL.NSF/0/25E47F48180E71528525777D00511F64>

237-Population Reference Bureau, ‘Facts of Life: Youth Sexuality and Reproductive Health in MENA’, 2011

238-UNICEF, ‘Gulf Area Sub Regional Programme Document 2010-2012’, 2009



and number of mental health services and counselling available for adolescents. In general, programming adolescent girls and boys aged 10-17 years is a relatively neglected area in the region. Road safety, accidents, violence and injuries have now been identified as emerging health issues in the region. According to a recent World Health Organisation (WHO) report, the United Arab Emirates (UAE) recorded the highest rate of unintentional childhood falls resulting in death or needing medical care in Asia, with an incidence of 1923 per 100,000 inhabitants.²³⁹ Although the number of children injured or disabled each year as a result of road traffic crashes is not precisely known, it is at risk of becoming top childhood killer in a number of countries. In Saudi Arabia, in the light of the high child mortality rate due to accidents, UNICEF has been working since 2005 with the Saudi Red Crescent Society to reduce risks faced by children.²⁴⁰

Obesity, ‘the other face of malnutrition’ is also beginning to affect increasing numbers of children and adolescents. In the Gulf countries and amongst Palestinian refugees in particular, higher caloric intake may not necessarily be associated with mitigation of existing nutritional deficiencies, leading to a new kind of malnutrition, in which an excessive caloric intake, in the form of fat and carbohydrates, accompanies a persistent lack of micronutrients. It has been reported that “there are no effective and comprehensive programmes to combat obesity in the Arab world, except for scattered attempts”.²⁴¹

3.5 Child Rights under Emergencies

3.5.1 Protection under Armed Conflicts and Strife

Armed conflicts continue to scar children’s lives in the Middle East and North Africa (MENA). The region is marked by political volatility and massive displacements of persons. Added to long term political insecurity in the occupied Palestinian territory (oPt), Iraq, and Yemen – and decades of political violence experienced by Algeria and Lebanon – the Arab Spring of 2011 has also unleashed civil strife in Libya and Syria, and heightened protection risks for children. Across the region, there is an urgent need for improved protection of the rights of children and adolescents as enshrined in the United Nations Convention of the Rights of the Child (Convention) and its Optional Protocols.

4 of the 22 countries that have been covered in the United Nations 2010 Report of the Secretary-General to the Security Council on grave violations against children in armed conflicts are in the Arab region: Iraq, Lebanon, oPt, and Yemen.²⁴² The report, issued in April 2011, covers six main violations namely: killing and maiming of children, recruitment, abduction, sexual abuse, attacks against schools and hospitals, and denial of humanitarian access (see Text Box 1: UNSCR 1612).²⁴³

Box 1: UNSCR 1612
On July 26, 2005, the United Nations Security Council adopted Security Council Resolution (SCR) 1612 on the protection of children affected by armed conflict. The Resolution defines six grave rights violations affecting children living in armed conflict areas: killing and maiming, abduction, use of children as child soldiers, attacks on schools and hospitals, sexual violence and freedom of movement. In 2007 a UNICEF-led working group was established in the occupied Palestinian territory (oPt). The working group composed of representatives of Israeli and Palestinian civil society organisations, international organisations, and UN agencies, set up a monitoring and reporting mechanism in accordance with UN SCR 1612, and reports voluntarily to the Security Council on violations committed against children in Israel and oPt. To the 6 grave violations, listed in the resolution, 3 more child rights violations have been added specifically for the context of oPt: detention, torture and forced displacement.

The region both hosts and produces millions of internally displaced persons (IDPs) and refugees. The region is home to nearly 5 million Palestinian

239-UNICEF/WHO, ‘World Report on Child Injury Prevention’, 2008

240-UNICEF, ‘Draft Programme of Co-operation between the Kingdom of Saudi Arabia and UNICEF Gulf Area Office’, 2007, http://www.unicef.org/gao/CPAP_Saudi.pdf

241-The National, ‘Arab Nations Come Together to Tackle Teenage Obesity’, 21 January 2010, <http://www.thenational.ae/news/worldwide/middle-east/arab-nations-come-together-to-tackle-teenage-obesity>

242-The full list is as follows: Afghanistan, Burundi, Central African Republic, Chad, Colombia, Cote d’Ivoire, Democratic Republic of the Congo, Haiti, India, Iraq, Lebanon, Myanmar, Nepal, occupied Palestinian territory/Israel, Pakistan, Philippines, Somalia, Sri Lanka, Sudan, Thailand, Uganda, and Yemen. Haiti, Lebanon, Thailand and oPt/ Israel report voluntarily, while the 14 other countries have 1612 Task Forces which report bi-monthly to the Security Council on the six egregious violations. UN General Assembly, ‘Children and Armed Conflict: Report of the Secretary-General’, A/65/820-S/2011/25, 23 April 2011

243-More information is available at: Save the Children Sweden, ‘Children, Armed conflict and Protection oPt’, April 2010, and UNICEF, ‘UNICEF oPt Monthly Update May 2010’, http://www.unicef.org/oPt/UNICEF-oPt_May_update%281%29.pdf



refugees registered with the United Nations Relief and Works Agency for Palestine Refugee in the Near East (UNRWA); over 1.5 million Iraqis remain displaced within their own country and over a million Iraqi refugees live in neighbouring countries; and an estimated 165,000 Sahrawi refugees have been residing in Tindouf camps in Algeria, some for nearly two decades. In Yemen, there are over 190,000 mainly Somali refugees registered with United Nations Refugee Agency (UNHCR)²⁴⁴ over 325,000 IDPs, displaced by consecutive wars in the north of the country.

While welcoming refugees, the MENA countries have important strides to make in improving the protection climate. With the exception of Algeria, Egypt, and Morocco,²⁴⁵ the MENA countries are not signatories to the 1951 United Nations (UN) Refugee Convention and its 1967 protocol. Even signatory countries, however, have not put in place domestic refugee or asylum legislation consistent with international standards. The absence of national legislation on the treatment of refugees in most of the countries of asylum continues to present challenges for the displaced and the humanitarian agencies that work with them. In oPt, Yemen, and Iraq, the respect of the principle of humanitarian access has been denied or access to humanitarian actors rendered difficult by violence, insecurity absence of law and order.

Children in the region continue to face significant gaps in protection. One of the gravest violations of children's rights is the recruitment and use of children by armed forces and groups. In Iraq, according to the United Nations 2010 report on Children and Armed Conflict, children have been "used to spy and scout, transport military supplies and equipment, videotape attacks for propaganda purposes, plant explosive devices and actively engage in attacks against security forces and civilians".²⁴⁶ In Yemen, despite signing of the Protocol on the involvement of children in armed conflict (OPAC) and national legislation that prohibits recruitment or direct involvement of children below 18 years of age in armed conflicts²⁴⁷, under-age recruitment to the armed forces remains common.²⁴⁸

In the oPt, there have been worrying increases in the number of child casualties and displacement leading to severe disruptions in education, reports the United Nations: in the first five months of 2011 alone, 332 cases of child injuries were reported and 228 children displaced due to the demolition of their homes.²⁴⁹ Similarly, the right of children to education and health has been disrupted by destruction of facilities and infrastructure in Yemen: by the end of 2010, 43 per cent of schools in Sa'ada were partially or completely destroyed and unexploded ordnance and bombs were sighted in educational facilities; over 80 per cent of health-care facilities were damaged.²⁵⁰

In Gaza, chronic emergency has led to a severe psychosocial impact amongst children: Save the Children reports that at least five different studies confirm that Palestinian children report

244-As of January 2011, UNHCR '2011 UNHCR country operations profile: Yemen', <http://www.unhcr.org/pages/49e486ba6.html>

245-As of April 2011, UNHCR, 'States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol', <http://www.unhcr.org/3b73b0d63.html>

246-Unless otherwise stated information in this section is extracted from UN General Assembly, 'Children and Armed Conflict: Report of the Secretary-General', UN Doc A/65/820-S/2011/250, 23 April 2011, http://www.un.org/ga/search/view_doc.asp?symbol=A/65/820

247-Committee on Economic, Social, and Cultural Right 'Replies by the Government of Yemen To the list of issues (E/C.12/Q/YEM/1) to be taken up in connection with the consideration of the initial report of YEMEN concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.54)', CESCR/NONE/2003/3, 2003

248-United Nations General Assembly Security Council 'Children and armed conflict Report of the Secretary-General', General Assembly Sixty-fifth session Agenda item 64 (a) Promotion and protection of the rights of children, UN Doc A/65/820-S/2011/250, 23 April 2011,

249-UN OCHA, 'The Monthly Humanitarian Monitor May 2011', 2011 <http://unispa.un.org/UNISPAL.NSF/0/7F288F0B42B8EA91852578AF0069ED28>

250-United Nations General Assembly Security Council 'Children and armed conflict Report of the Secretary-General', General Assembly Sixty-fifth session Agenda item 64 (a) Promotion and protection of the rights of children', UN Doc A/65/820-S/2011/250, 23 April 2011



having experienced an average of more than eight traumatic events thus far in their lives.²⁵¹ The organisation reports that the vast majority of children in Gaza “grow up in an environment of ongoing violence where neither their families nor their communities can respond to their basic emotional, psychological and cognitive needs”.²⁵²

A select review of countries that do reference IDP children in their policies illustrates the great variation from country to country of the scope, scale and types of issues the policies prioritise. For example, Iraq’s National Policy on Displacement (July 2008) emphasises the right of IDP children to education, and commits the government to establishing flexible education programme in line with the Minimum Standards for Education in Emergencies, Chronic Crises and Early Recovery (INEE). Across the region, policy, institutional, and legislative environment need to better reflect the needs of children living in emergency situations, and right to quality education and healthcare need to be integrated in all emergency and response plans.

3.5.2 Natural Disasters

The MENA region is exposed to disaster risks from multiple hazards, especially droughts, flash floods, earthquakes, desertification, landslides, and storms; the vulnerability to disasters in many of the countries is exacerbated by poverty, environmental degradation, unplanned urbanisation, and general lack of disaster risk reduction measures. Drought is a real challenge in a water-scarce region where nearly 90 per cent of the region is arid and semi-arid lands.²⁵³ Some of the main events that have struck the region in recent years are the 2003 earthquake in Algeria, the 2007 Cyclone Gunu in Oman, the 2008 floods in Hadraumat, Yemen, and the 2009 floods in Morocco.

Available information from the MENA region suggest that annually, the economic damages resulting from natural disasters amount to over \$700 million.²⁵⁴ The Yemen flood alone caused \$1.7 billion in total damages and losses, and estimated to have increased the poverty rate from 28 to 51 per cent.²⁵⁵ Recognising that systematic information on disaster impacts, especially at the local levels, needs to be strengthened, a number of governments, including Jordan, Syria, and Yemen are setting up databases to collect local level disaster loss data, including age- and gender indicators.²⁵⁶ In general, information on children-specific vulnerabilities is lacking in the Arab region.

In December 2010, the League of Arab States launched the ‘The Arab Strategy for Disaster Risk Reduction 2020’, In accordance with its commitment to the Millennium Development Goals (MDG) and in line with the role identified for regional inter-governmental organisations in the Hyogo Framework for Action.²⁵⁷ The Organisation of the Islamic Conference (OIC) has also launched a strategy entitled Strategy on Management of Disaster Risks and Climate Changes Implications in the Islamic World.²⁵⁸

The overall objectives of these strategies are to reduce disaster risks and protect lives through effective risk analysis, planning, mitigation and preparedness. By referring to the MDGs, the Arab Strategy for Disaster Risk Reduction 2020 offers strong potential to integrate child rights issues into emergency preparedness plans of Arab countries. The strategy recommends the countries “to include risk reduction considerations in national policies, plans and legal frameworks of all critical sectors relevant to achievement of the MDGs: reducing poverty, promoting provision of universal primary education, addressing the vulnerability of women, children and internally

251-Save the Children Sweden, ‘Children, Armed conflict and Protection oPr’, April 2010

252-Ibid.

253-ISDR, ‘Progress in Reducing Disaster Risk and Implementing Hyogo Framework for Action in the Arab Region’, 2009

254-Calculated on the basis of figures provided in PreventionWeb <http://www.preventionweb.net/english/countries/>

255-Arab League, ‘The Arab Strategy for Disaster Risk Reduction 2020’, December 2010, http://www.preventionweb.net/files/18903_17934asdrfinalenglishjanuary20111.pdf

256-UN, ‘United Nations Global Assessment Report on Disaster Risk Reduction’, 2011, <http://www.preventionweb.net/english/hyogo/gar/2011/en/home/download.html>

257-Arab League, ‘The Arab Strategy for Disaster Risk Reduction 2020’, December 2010, http://www.preventionweb.net/files/18903_17934asdrfinalenglishjanuary20111.pdf

258-OIC, ‘Strategy on Management of Disaster Risks and Climate Changes Implications in the Islamic World’, 2010, http://www.sesric.org/imgs/news/image/icme_3.2%20Disaster%20Strategy.pdf



displaced persons (IDPs) and other vulnerable groups, combating disease and public health challenges...” Another key direction outlined in the plan is the need to ensure participation of populations, including children, into the establishment of disaster preparedness plans, contingency plans, and recovery and reconstruction efforts.

The challenge is for Arab governments to effectively implement this strategy. To date, very few countries have integrated child participation into national disaster strategies. In their reports on the implementation of the Hyogo Framework for Action, (2007-2009) Yemen is one of the few countries to specifically mention initiatives targeting children. With support from the United Nations Development Programme (UNDP), the National Disaster Management Unit in Yemen has been developing national strategy for awareness for school children, which includes activities such as ‘what do during emergency’ awareness campaigns and interactive games for children.²⁵⁹ The extent to which the newly established Crisis Response Centre and Warning System at the League of Arab States, supported by UNDP and the European Commission, will integrate child protection issues into its programmes is yet to be determined.

3.6 Rights of Refugees

3.6.1 Palestinian Refugees

Over 4.8 million Palestinian refugees are registered with United Nations Relief and Works Agency for Palestine Refugee in the Near East (UNRWA), in its 5 areas of operations (Jordan, Lebanon, Syria, Gaza and the West Bank).²⁶⁰ Approximately 30 per cent of refugees live in the 58 refugee camps, and the remaining reside in unofficial camps or in towns and villages within host country communities. The distribution of the refugee camp population varies significantly from one area to another, with the highest rates in Lebanon and Gaza Strip and the lowest in Jordan, as the table below illustrates. Over one third (33 per cent) of refugees are children below 18 years of age.

Table 6: Palestinian refugees registered with UNRWA, as of 2010

Area of Operation	Registered Refugees	Camp Population
Jordan	2,004,795	346,830
Lebanon	427,057	226,767
Syria	477,700	129,457
West Bank	788,108	200,179
Gaza	1,122,569	514,137
Total	4,820,229	1,417,370

Source: UNRWA, Figures of as June 2010

Palestinian refugees face a ‘protection gap’ as they are unprotected under the 1951 United Nations Refugee Convention and charters created to protect refugees. The United Nations Refugee Agency (UNHCR) does not provide assistance and protection to Palestinian refugees in the five areas where UNRWA operates; although it does UNHCR does provide assistance to Palestinian refugees outside the UNRWA-mandate areas. While the protection mandate of UNRWA has been made more explicit, especially since the Geneva Conference of 2004,²⁶¹ there remain severe gaps in international protection for refugees, including durable solutions protection.

Poverty, unemployment and poor social security are constant issues among Palestinian refugees, according to UNRWA. Poverty rates of refugees are particularly high in Lebanon, where Palestinian refugees face the most severe restrictions in accessing labour market, services, and property, thereby

²⁵⁹-Yemen Ministry of Water and Environment, ‘Yemen, National progress report on the implementation of the Hyogo Framework for Action (2009-2011)’, 2010 http://www.preventionweb.net/files/15399_yem_NationalHFAprogress_2009-11.pdf

²⁶⁰-Information on demographic profile is from, UNRWA website, <http://www.unrwa.org/index.php>

²⁶¹-For a detailed analysis of UNRWA’s mandate, see UNHCR, Refugee Survey Quarterly, ‘UNRWA and the Palestinian Refugees 60 Years Later’, June 2010, available at <http://www.unrwa.org/etemplate.php?id=703>



reducing chances of upward mobility. More than half of Palestinian refugees are jobless in Lebanon,²⁶² and according to a recent survey, children are particularly vulnerable to poverty, with estimates of up to 70 per cent of children and adolescents (6-19) living in poverty, and 9 per cent in extreme poverty.²⁶³ Refugees are also highly vulnerable to displacement, especially in conflict-prone Lebanon and Gaza: 16,000 Palestinian refugees were displaced during the 2006 war in Lebanon; 31,000 were displaced in May-September 2007 from Nahr al-Bared camp; and 24,000 were displaced in Gaza between October 2000 and June 2005.²⁶⁴

UNRWA is the main provider of health and educational services for Palestinian refugees in its five areas of operations, although in Jordan and Syria, Palestinian children have also access to public sectors. The health of status of under-five children has shown considerable improvements, with declining child and infant mortality rates and immunisation coverage close to 100 per cent across UNRWA's five areas of operation. Although health expenditure per refugee registered with UNRWA is only US\$20 – considerably lower than health expenditure of Arab countries, provision of healthcare – the provision of services is thus far largely adequate to meet the needs of Palestinian refugee children.²⁶⁵ The Agency reports that the majority of infant deaths (between 59-74 per cent) occur on the first month of life and almost half those are related to low birth weight or prematurity. Other main causes of deaths are congenital malformations and respiratory infections.²⁶⁶ To ensure better survival and development of newborns and infants, UNRWA provides immunisation, growth monitoring, management of diarrheal diseases, management of acute infections including respiratory infections, nutritional deficiencies and health education, including promotion of breastfeeding.

New health challenges are also facing

262-Upper poverty line is estimated at 6 USD per person per day extremely poor at 2.17 USD/person/day. UNRWA, 'Annual Report of Department of Health: 2010', 2011

263-American University of Beirut, 'Socio-Economic Survey of Palestinian Refugees in Lebanon', December 2010, <http://www.unrwa.org/userfiles/2011012074253.pdf>

264-Save the Children Sweden, 'Children: Armed conflict and Protection oPt', April 2010

265-UNRWA, 'The Annual Report of the Department of Health: 2010', 2011

266-Ibid.

Palestinian refugee children. Health conditions of Palestinian refugees, similarly to populations of host countries, have been shifting due to changes in dietary habits and lifestyles. Obesity for example, is increasingly becoming a nutritional challenge, despite the fact that protein-calorie malnutrition and deficiencies in other nutrients such as iodine, vitamin A and iron are still common among refugees. Mental health of children and adolescents is also a growing concern. In Jordan, according to a recent UNRWA survey, the share of 13-15 school children who ever seriously considered attempting suicide during the past 12 months was 21.3 per cent.²⁶⁷ Based on its experience in the health sector, UNRWA concludes that "refugees are victims of health access inequalities and of factors such as conflict, violence, occupation, political instability, poverty, social discrimination and hardship that are impacting negatively on their right to attain the highest attainable standards of health".²⁶⁸

UNRWA is also the main provider of free-of-charge basic education to 483,000 Palestinian pupils in its five areas of operations.²⁶⁹ Education is UNRWA's largest programme, accounting for more than half of its regular budget, as the Agency operates one of the largest school systems in the Middle East, with nearly 700 schools and 22,000 teachers. However, education of Palestinian children has been suffering particularly in the oPt, due to frequent incidents of armed conflict and movement restrictions, which hinders regular school attendance for children. The blockade in Gaza has had a pernicious impact on children's education. "Millions of dollars of UNRWA construction projects, including schools, remain suspended. Paper for textbooks, notebooks and chalk are often delayed for months at a time. There is a huge shortage of uniforms, school bags and school supplies", according to UNRWA.²⁷⁰ Quality of education is also an increasing problem, with quality education issues in UNRWA schools largely similar to schools in host countries, including 'teacher-centred

267-Ibid.

268-WHO, 'Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan', A64/IN.EDOC./3, 12 May 2011

269-2009-2010 estimates, UNRWA, 'Education', <http://www.unrwa.org/etemplate.php?id=32>

270-Mohan Menon, 'Enhancing Quality Learning in a Fragile Environment: Case of the Palestinian Refugees', 2011



pedagogy' with insufficient active student learning, low focus on holistic development of children, lack of out-of-school support, large class sizes, poor pupil attendance and late arrivals.²⁷¹

In 2006, in its review of Lebanon's periodic review on the implementation of the Convention of the Rights of the Child (Convention), the United Nations Committee on the Rights of the Child (Committee) expressed concern over the gaps in the legal protection of refugees in Lebanon and the continued exposure of Palestinian refugee children to violence in the home, school, and community. One study has found that 55 per cent of surveyed Palestinian children described their school as a violent environment and 61 per cent of students that drop out at fifth grade did so because of the prevailing violence in the schools.²⁷² The Committee has urged the state of Lebanon to ensure the fulfilment of the human rights and freedoms of Palestinian children by, among other things, protecting them from all forms of violence.²⁷³

3.6.2 Iraqi Refugees

The prolonged conflict situation in Iraq, characterised by massive human rights violations, violence and insecurity, explains the continuous outflow of Iraqi refugees. Across the Middle East region, host countries continue to offer their protection to Iraqi refugees. In February 2011, Iraqi refugees registered with the United Nations Refugee Agency (UNHCR), stood at nearly 200,000, down from 310,000 at the beginning of 2009.²⁷⁴ The three countries hosting the largest numbers of registered Iraqis are Syria (150,000), Jordan (31,000) and Lebanon (7,200).²⁷⁵ The actual number of refugees, including those not registered with UNHCR is not known: some surveys suggest that up to 1 million Iraqis have taken refuge in Syria alone, another 500,000 in Jordan, and 30,000 in Lebanon.²⁷⁶ An estimated 35 per cent of registered refugee population (or 70,000 persons) is under the age of 18, out of which 4,800 are considered 'at risk', and nearly 500 are unaccompanied or separated.²⁷⁷

Jordan, Lebanon, and Syria are not party to the 1951 Geneva Convention relating to the Status of Refugees or to its 1967 Protocol, nor do they have national refugee legislation administrative practices in place to address the specific needs of refugees and asylum-seekers. The degree to which the countries respect the need of refugees to be protected varies. Syria has a relatively favourable protection environment for Iraqi refugees. Although the country allows refugees to access its territory and benefit from basic services, it prohibits refugees from working²⁷⁸, which heightens their economic vulnerability. The stance of government of Lebanon has been criticised by human rights organisations such as Human Rights Watch.²⁷⁹ The government of Lebanon is insistent "that it cannot even tolerate the temporary stay of refugees in light of the country's particular circumstances" and does not offer the vast majority of refugees proper legal status, access to the labour market, with refugees and asylum seekers at constant risk of being detained and/or deported.²⁸⁰ In addition to the risk of detention and deportation, most refugees in Lebanon are economically vulnerable. Similarly in Jordan, many of the registered refugees are impoverished, with 29 per cent of registered Iraqis having residency permits, which may help ease acquisition of work permits.²⁸¹ Poorer refugees in particular lack access to labour markets: while 80 per cent of

271-Ibid.

272-Naba'a, 'Violence against Palestinian Children in Lebanon – Ein Elhelweh Camp', November 2007

273-Committee on the Rights of the Child, 'Concluding Observations: Lebanon' CRC/C/LBN/CO/3, 8 June 2006, [http://www.unhcr.ch/tbs/doc.nsf/0/35c25deb7e3a1837c12571e1005150c8/\\$FILE/G0642512.pdf](http://www.unhcr.ch/tbs/doc.nsf/0/35c25deb7e3a1837c12571e1005150c8/$FILE/G0642512.pdf)

274-UNHCR 'Statistical Report on UNHCR Registered Iraqis and Non-Iraqis', February 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/117FC485CAE0A4E485257855006B91CC-Full_Report.pdf

275-As of January 2011, UNHCR, '2011 UNHCR country operations profile – Jordan', 'Country operations profile – Lebanon', <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486566>, 'Country operations profile - Syrian Arab Republic', <http://www.unhcr.org/pages/49e486a76.html>

276- Ibid.

277-UNHCR, 'Statistical Report on UNHCR Registered Iraqis and Non-Iraqis', February 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/117FC485CAE0A4E485257855006B91CC-Full_Report.pdf

278-UNICEF, 'Iraq and Vulnerable Iraqis in the Syrian Arab Republic, Jordan, Lebanon and Egypt', 2011, http://www.unicef.org/hac2011/files/HAC2011_4pager_Iraq_rev1.pdf

279-Human Rights Watch, 'Impossible Choices for Iraqi Refugees in Lebanon', 25 March 2010

280-UNHCR, 'Statistical Report on UNHCR Registered Iraqis and Non-Iraqis', February 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/117FC485CAE0A4E485257855006B91CC-Full_Report.pdf

281-Cited in UN OCHA, 'Regional Response Plan for Iraqi Refugees: 2011', 2011



wealthy Iraqi refugees hold residence permits, only 22 per cent of poor refugees possess them.²⁸²

Although Syrian educational institutions have opened their doors to Iraqis, the actual number of children enrolled and attending schools, is low due to children having to work to support their families.²⁸³ In Syria, the priority areas are to prevent dropout and to reduce gender disparity: Iraqi girls only make up to 38 per cent of all Iraqi children in schools. Access to education for Iraqi refugees in Jordan has improved significantly since a royal decree was issued in 2007, directing public schools to accept the enrolment of all Iraqi children.²⁸⁴ Since 2008, Iraqi children without residence permits have been allowed to enrol in schools and have been exempted from fees for tuition and textbooks.²⁸⁵ For the 2010/2011 academic year, the Government of Jordan waived public school fees for Iraqis, meaning that all Iraqi children continue to enjoy access to free primary and secondary education.²⁸⁶ Iraqi children in Amman however report that poor quality teaching, physical violence and discrimination at school, from students and

282-UNDP, 'Arab Human Development Report 2009: Challenges to Human Security in the Arab Countries', 2009 283-Ibid.

284-Human Rights Watch, 'Jordan: Government Pledges to Grant Iraqis Education Health Rights', 16 August 2007

285-Human Rights Council, 'National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1 Jordan', A/HRC/WG.6/4/JOR/1, 9 February 2009, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/JO/A_HRC_WG6_4_JOR_1_E.PDF

286-UN OCHA, 'Regional Response Plan for Iraqi Refugees: 2011', 2011

teachers are challenges to their educational achievement and well-being.²⁸⁷ In Lebanon, a ministerial circular issued in 2008 and renewed in 2009 and 2010, whereby the Ministry of Education and Higher Education instructed all public and private schools to register children holding UNHCR refugee certificates, has enabled children to better realise their education rights. Refugee children were supported with education grants to cover a portion of their tuition fees and school materials.

Refugees in Syria, Jordan, and Lebanon are entitled to services provided at primary health care centres on the same terms as nationals. Public health services are often complemented by humanitarian health programmes run by UNHCR, UNICEF, with international and national non-governmental organisations (NGOs). Reports from all three countries however suggest that only a small proportion of Iraqi refugees, including children and adolescents, are accessing primary care services, while secondary and tertiary healthcare services are often unaffordable.²⁸⁸ At the same time, the longer refugees remain outside of their country, the more fragile their health status becomes; this is partly due to their impoverishment which can lead some people to cut back on costs related to health or nutrition.²⁸⁹ Across the different countries, there is a growing need for mental health and psychosocial support amongst refugee communities. Psychological stress and desperation and the need for mental health services – initially rooted in events experienced in Iraq – are intensifying as the length of stay in the country of asylum is prolonged.²⁹⁰ There is thus a need to better integrate mental health into primary health care services and on health services related to violence.

3.6.3 Somali Refugees

An estimated 190,000 refugees, predominantly Somalis, are hosted by Yemen according to the United Nations Refugee Agency (UNHCR).²⁹¹ The real number of refugees, including

287-The Unity Circle Project, 'Experiences of Iraqi Children and Parents Living in Amman, Jordan', 2009

288-UN OCHA, 'Regional Response Plan for Iraqi Refugees: 2011', 2011

289-Ibid.

290-Ibid.

291-As of January 2011, UNHCR '2011 UNHCR country operations profile: Yemen', <http://www.unhcr.org/pages/49e486ba6.html>



those not registered with UNHCR, may be considerably higher. It is also believed that an important number of Somalis who have transited through Yemen now reside in Gulf countries.²⁹² The Somalis, who arrive in Yemen, often through perilous journey, are a part of larger exodus of Somalis fleeing war, devastation, and chaos that have characterised their country since 1991. Many arrive in Yemen, exhausted, ill, emotionally shattered, often beaten or abused during the long uncomfortable boat ride across the Gulf of Aden, organised by smugglers.²⁹³

The Yemeni government recognises all Somalis who arrive in the country as *prima facie* refugees—meaning that they not need to undergo individual status determination to prove that they are eligible for refugee status.²⁹⁴ The majority of Somali refugees arriving to Yemen are adults: out of the total number of passengers assisted by the humanitarian agency, Médecins Sans Frontières (MSF) between September 2007 and April 2008, only about 1 per cent are children under 15 years of age.²⁹⁵ A second generation of Somalis is now living in camps or in urban areas. The situation for Somali refugees is probably much worse in terms of socio-economic indicators than Iraqis, especially for refugees that flee to poor countries such as Yemen.²⁹⁶ There is considerable discrepancy between the rights which the government of Yemen asserts are enjoyed by Somali refugees and refugee testimonies.²⁹⁷

292-UNHCR, 'Statistical Yearbook 2009', 2010, <http://www.unhcr.org/4ce532ff9.html>

293-MSF, 'No Choices: Somali and Ethiopian Refugees, Asylum Seekers and Migrants Crossing The Gulf of Aden', June 2008, http://www.msf.org.uk/yemen_no_choice_20080619.news

294-Human Rights Watch, 'Hostile Shores', December 2009, <http://www.hrw.org/es/node/87224/section/6>

295-MSF, 'No Choices: Somali and Ethiopian Refugees, Asylum Seekers and Migrants Crossing The Gulf of Aden', June 2008, http://www.msf.org.uk/yemen_no_choice_20080619.news

296-UNDP, 'Arab Human Development Report 2009: Challenges to Human Security in the Arab Countries', 2009

297-Tim Morris, in *Forced Migration Review*, 34 'Urban Somali refugees in Yemen', 2010, <http://www.fmreview.org/urban-displacement/FMR34/36-38.pdf>



Section II: Country Profiles

Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, occupied Palestinian Territory, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, Yemen



Algeria Country Profile

1. Country Overview

1.1 Demographic Profile

The People's Democratic Republic of Algeria is bordered in the north by the Mediterranean Sea, in the northeast by Tunisia, in the east by Libya, in the west by Morocco, in the southwest by Western Sahara, Mali and Mauritania, and in the south by Nigeria. Algeria has a total population of 34.9 million, out of which nearly 11.7 million are below the age of 18 and 3.4 million below the age of 5.²⁹⁸ About a quarter of the population are Amazigh-speaking Berber minorities, and despite some improvements in recent years, grievances about recognition of their distinct language and cultural rights remain.²⁹⁹

Algeria is host to nearly 242,000 international migrants (out of which 45 per cent are female),³⁰⁰ and to an estimated 94,100 refugees registered with the United Nations Refugee Agency (UNHCR), the majority of whom arrived to Algeria from Western Sahara in 1975 and 1976.³⁰¹ The government estimate of the total number of Sahrawi refugees is a considerably higher 165,000 persons.³⁰² Algeria's relationship with neighbouring Morocco remains extremely tense due to the issue of Western Sahara and Algeria's ongoing support to the exiled Sahrawi Popular Front for the Liberation of the Saguia al-Hamra and Rio de Oro (the Polisario Front).

1.2 Socio-Economic Developments

After the political and socio-economic crisis of the 1980s and 1990s, Algeria has enjoyed more than 10 years of strong economic performance, driven mainly by the oil and gas sector and high public spending. It is an upper middle income country, with a per capita income of \$4,460.³⁰³ Its human development index (HDI) is ranked a relatively high 84 out of 169 countries with comparable data.³⁰⁴ The country is on a steady path to meeting the Millennium Development Goals (MDG), having made strong reductions in poverty reduction, and steady progress in access to universal education, gender equality, and health care.³⁰⁵ Despite a rapid fall of poverty rate from 12 per cent in 1999 to 5.7 per cent in 2007,³⁰⁶ food security remains a concern, due to rising food prices and persistently high unemployment rates, which have had a negative impact on household livelihoods. Youth unemployment is particularly high at 24 per cent.³⁰⁷

1.3 Political Developments and Human Rights Record

The country has undergone turbulent changes since it gained independence in 1962. The civil conflict of 1992 to 2003, which claimed the lives of over 150,000 Algerians, led to severe human rights violations, and traumatised many children.³⁰⁸ Despite the abatement of the conflict and the referendum on the Charter for Peace and National Reconciliation, the country continues to experience widespread violation of human rights, including harassment of human rights defenders, gender-based violence, and restrictions on rights to freedom of expression, association and

298-2009 figures, UNICEF, 'Algeria Statistics', http://www.unicef.org/infobycountry/algeria_statistics.html

299-Minority Rights Group International, 'State of the World's Minorities and Indigenous Peoples 2011: Events of 2010', 2011

300-2010 estimate, United Nations Population Division, 'International Migrant Stock: 2008 Revision' <http://esa.un.org/migration/p2k0data.asp>

301-UNHCR 'Country operations profile – Algeria', <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e485e16>

302-UNHCR, '2011 UNHCR 'Country operations profile – Algeria', <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e485e16>

303-2010, Gross National Income per capita, Atlas method (current US\$), World Bank, 'Algeria Data', <http://data.worldbank.org/country/algeria>

304-UNDP, 'Human Development Index trends, 1980–2010', 2011

305-World Bank, 'Country Brief Algeria', www.worldbank.org

306-Human Rights Council, 'National Report submitted in accordance with Paragraph 15(A) of the Annex to the Human Rights 5/1 Algeria', A/HRC/WG.6/1/DZA/1, 20 March 2008

307-2006 estimates, World Bank, 'Algeria Data', <http://data.worldbank.org/country/algeria>

308-BBC News 'Algeria Country Profile', http://news.bbc.co.uk/2/hi/africa/country_profiles/790556.stm



assembly. Members of the security forces and armed groups continued to enjoy broad impunity for atrocities committed during the violent internal conflict of the 1990s, according to Human Rights Watch.³⁰⁹ The country has also been shaken by a series of bombings carried out by the Al-Qaeda in the Land of Islamic Maghreb (AQLIM), formerly known as the Salafist Group for Call and Combat.³¹⁰ Gender-based discrimination remains rampant: in 2010, the Committee on Economic, Social and Cultural Rights identified the following issues adversely affecting women's rights: inequitable inheritance rights, the lower representation of women in decision-making and public positions, wages that are a third of those for men, and widespread spousal abuse.³¹¹

Corruption remains widespread.³¹² In January 2011, thousands of protesters mobilised across the country, calling for economic, political and social changes. Faced with growing protests over the severe housing shortage, high food prices and youth unemployment rates, the government has repealed the 19-year-old state of emergency law, and has announced an ambitious series of reforms, which would culminate with an amended constitution in 2012.³¹³

1.4 Society and Culture in regards to Children

“Children are valued as symbols of continuity and protectors of Algerian culture and tradition. However, the violence of 1992-2003 produced many child victims and affected all children in one way or another, and their well-being was secondary to security imperatives”, reports the International Bureau for Children's Rights (IBCR).³¹⁴ Civil society organisations (CSOs) also report that the civil strife engendered a ‘culture of violence’, which continues to affect children to date.³¹⁵

Prevailing cultural attitudes cause serious difficulties for children born out of wedlock, numbering around 3,000 per year.³¹⁶ There are numerous reports that women who have children out of wedlock are vulnerable to poverty and social prejudices, and are often rejected by their own families. Given social stigma attached to single motherhood, unmarried mothers often leave their children to state nurseries, (a legal measure allows unmarried women to give birth in anonymity in hospitals, giving new-born babies the possibility to be born in fair conditions and to be sent to State nurseries) or abandon them in them in hospitals or in the street.

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

Algeria signed the United Nations (UN) Convention on the Rights of the Child (Convention) on 26 January 1990 and ratified it on 16 April 1993.³¹⁷ Upon ratification of the Convention, Algeria expressed interpretive declarations on Article 14 (children's freedom of conscience and religion), with the provision interpreted in compliance with the Algerian legal system (specifically, the Constitution which stipulates in its Article 2 that Islam is the State religion and in its Article 35 that “there shall be no infringement of the inviolability of the freedom of conviction and the inviolability of the freedom of opinion” and Law No. 84-11 of 9 June 1984, which stipulates that a child's education is to take place in accordance with the religion of its father). Algeria also expressed interpretative declarations on Articles 13 (freedom of expression), 16 (right to privacy) and 17 (access to information).

309-Human Rights Watch, ‘World Report 2011: Events of 2010’, 24 January 2011

310-BBC News ‘Algeria Country Profile’, http://news.bbc.co.uk/2/hi/africa/country_profiles/790556.stm

311-Committee on Economic, Social and Cultural Rights, ‘Concluding Observations of the Committee on Economic, Social and Cultural Rights: Algeria’, E/C.12/DZA/CO/4, 21 May 2010, Advanced Unedited Version

312-Ibid.

313-BBC News, ‘Is Algeria Immune from the Arab spring?’, 27 July 2011, <http://www.bbc.co.uk/news/world-africa-14167481>

314-International Bureau for Children's Rights, ‘Making Children's Rights Work in North Africa’, August 2007

315-US Department of State, ‘2010 Country Reports on Human Rights Practices’, 8 April 2011, Algeria Country Report available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154458.htm>

316-Unless otherwise states, information in this paragraph is from various reports compiled in Refugee Documentation Centre (Ireland), ‘Algeria – Researched and compiled by the Refugee Documentation Centre of Ireland on 5 January 2011’, 2011

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



Algeria submitted its initial report to the Committee on the Rights of the Child (Committee) in November 1995, its second periodic report in December 2003, and its combined third and fourth report in June 2009, nearly a year ahead of its due date.³¹⁸ The Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme submitted an alternative report to the Committee on 8 June 2005.³¹⁹ The Committee issued Concluding Observations on 18 June 1997 and on 12 October 2005.³²⁰

Upon review of Algeria's second periodic report, the Committee welcomed the legislative moves made by Algeria to promote child rights. It regretted, however, that the interpretative declarations to Articles 13, 14, 16 and 17 had still not been withdrawn – a recommendation that the country has still not followed upon (as of June 2011). The Committee also deplored that the country had not sufficiently addressed its recommendations regarding “the unclear legal framework in the field of children's rights; non-discrimination, ill-treatment and abuse of children within the family; employment of minors in the private and agricultural sectors; and the status of nomadic and refugee children”.³²¹ The Committee also expressed its concern at the lack of comprehensive national plan of action for the implementation of the Convention, and recommended that Algeria increase the proportion of the budget allocated for the realisation of children's rights to the “maximum extent ... of available resources”, giving special attention to children belonging to disadvantaged groups, for example, children whose births have not been registered.

Algeria acceded to the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 27 December 2006 and to the Optional Protocol to the Convention on the Involvement of Children in Armed Conflicts (OPAC) on 6 May 2009.³²² The initial reports on the implementation of the Protocols have not yet been submitted.

2.2 Regional and International Human Rights Instruments

Algeria has acceded to all the major UN conventions on human rights, namely: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (1989), the International Convention on the Elimination of All Forms of Racial Discrimination (1972) the Convention on the Elimination of All Forms of Discrimination Against Women (1996), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1989), and the Convention on the Protection of Migrant Workers and Members of their Families (2005) and Convention on the Rights of Persons with Disabilities (2009).

Algeria has agreed to the ‘Cairo Declaration on Human Rights in Islam’ issued in 1990 by Organisation of the Islamic Conference (OIC) foreign ministers, a guiding document that does not require ratification.³²³ Algeria also ratified the League of Arab States (Amended) Arab Charter of Human Rights, which entered into force on 15 March 2008. As a member of the African Union (AU), Algeria ratified in March 1987 the African Charter on Human and Peoples' Rights.³²⁴ Algeria has also acceded to / ratified in July 2003, the African Charter on Charter on the Rights and Welfare of the Child, the most important instrument for children's rights within the AU human rights

318-United Nations Office of the High Commissioner for Human Rights, ‘Report Status by Country’, <http://www.unhchr.ch/tbs/doc.nsf/NewhvVAllSPRByCountry?OpenView&Start=1&Count=250&Expand=3.7#3.7>

319-Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme, ‘Les Droits de l'Enfant en Algérie: Rapport Alternatif’, Submission to the 40th Session of the UN Committee of the Rights of the Child, 2005

320-Committee on the Rights of the Child, ‘Concluding Observations: Algeria’, CRC/C/15/Add.269, 12 October 2005, [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/\\$FILE/G0544259.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/$FILE/G0544259.pdf)

321-Ibid.

322-United Nations Treaty Collection, ‘Ratification’ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-11-c&chapter=4&lang=en

323-OIC, ‘Cairo Declaration on Human Rights in Islam’, 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,,3ae6b3822c,0.html>

324-African Union, ‘List of Countries that have ratified/acceded to the African Union Convention on African Charter on Human and Peoples' Rights’, undated, http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/List/African%20Charter%20on%20Human%20and%20Peoples%20Rights.pdf



system.³²⁵

During the UN Human Rights Council Universal Periodic Review (UPR) of Algeria, which was held in April 2008,³²⁶ the following child rights recommendations were made by delegations to Algeria: ensure appropriate measures to address violence against children, continue the moratorium on death penalty, pursue efforts in the area of the right to education, adopt a legal framework to protect children from trafficking and define trafficking as a criminal offence under domestic law. Algeria agreed to all the recommendations.

2.3 Status of the Right to Protection

In its 2005 Concluding Observations, the Committee welcomed the drafting of a Child Protection Bill, which aims to establish a mechanism for protecting children against all forms of violence, ill-treatment, abuse and negligence. The Committee however expressed its deep regret that insufficient measures are being taken to address the serious problem of child abuse. While some measures have been taken since the Concluding Observations were issued – notably the adoption in 2007 of a National Plan of Action for women and children affected by violence – children remain vulnerable to violence and abuse. The Special Rapporteur on Violence against Women, in her November 2010 Mission to Algeria, stated that while domestic violence is the most pervasive manifestation of violence against girls, it is not perceived as warranting legal intervention and as a result remains largely invisible.³²⁷ Domestic legislation does not contain specific provisions prohibiting and criminalising domestic violence and incidences of violence against children are greatly under-reported. Targeted measures of rehabilitation for victims of sexual violence, especially those perpetrated by armed groups, are lacking.³²⁸

Despite the Committee's repeated recommendations, corporal punishment against children in the family and alternative care settings is not explicitly prohibited.³²⁹ A United Nations Children's Fund (UNICEF) report published in 2010 states that 87 per cent of children aged 2-14 experienced violent discipline (physical punishment and/or psychological aggression) in 2005-2006 in Algeria.³³⁰ While corporal punishment in schools is prohibited by law, a study conducted by the Ministry of Education in collaboration with UNICEF revealed that it is still commonly practiced in schools.³³¹ To decrease the phenomena of corporal punishment in schools, Algeria enacted Article 21 of the Law N08-04 in January 2008 to give legal sanction to the ban on corporal punishment in schools.³³² UN agencies and international non-governmental organisations (NGOs) have been urging the government to conduct public campaigns, to criminalise domestic violence and corporal punishment, and to increase funding for specialised shelters.

Sexual exploitation of girls and boys remains a deep concern. In 2005, the Committee, noting with concern that Algeria is becoming a place of transit for trafficking between Africa and Western Europe, recommended the country to adopt a legal framework to prevent and protect children from sexual exploitation and trafficking. In 2009, the government of Algeria approved new legislation to criminalise trafficking in persons for the purpose of sexual and economic exploitation. As of

325-African Union, 'List of Countries that have ratified/acceded to the African Charter on the Rights and Welfare of the Child', March 2010

326-For compilation of child rights extracts from the UPR of Algeria, see <http://www.crin.org/resources/infoDetail.asp?ID=17013&flag=report#nn>

327-Human Rights Council, 'Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo', A/HRC/17/26/Add.3, 19 May 2011

328-Committee on Economic, Social and Cultural Rights, 'Concluding Observations of the Committee on Economic, Social and Cultural Rights: Algeria', E/C.12/DZA/CO/4, 21 May 2010, Advanced Unedited Version

329-Ibid.

330-Cited in Global Initiative to End All Corporal Punishment of Children, 'The Nature and Extent of Corporal Punishment - Prevalence and Attitudinal Research in the Middle East and North Africa', July 2011, <http://www.endcorporalpunishment.org/pages/pdfs/prevalence/MidEast-NorthAfrica.pdf>

331-UNICEF 'Algeria Webpage', http://www.unicef.org/infobycountry/algeria_478.html,

332-Committee on the Rights of the Child 'Third and Fourth periodic reports of State Parties due in 2010: Algeria' (French) CRC/C/DZA/3-4, 4 July 2011, <http://www2.ohchr.org/english/bodies/crc/crcwg59.htm>



2010, no investigations, prosecutions, or convictions have been carried out under this law, and the government has not undertaken a campaign to increase public awareness of trafficking.³³³

Progress on addressing the Committee's concern regarding the economic exploitation of children, in particular in the informal sector, has been limited. Despite the labour code, which prohibits employment of children under the age of 16, child labour remains pervasive, with estimates of more than 300,000 children under 16 years of age working.³³⁴ Moreover, children working in small business and in the agriculture are *de facto* excluded from legal protection. In 2010, the Committee on Economic, Social and Cultural Rights recommended Algeria intensify its efforts to combat child labour, including through systematic and effective labour inspections and urgent controls by social services, mandatory training for the police, and awareness raising campaigns for children and parents on the dangers of child labour and the importance of education.³³⁵

Progress in terms of reducing the persistent *de facto* discrimination faced by children born out of wedlock remains weak. Birth registration process does not discriminate against children born out of wedlock according to the Government of Algeria.³³⁶ However, in a 2008 report to the UN Human Rights Council, the Special Rapporteur on Violence against Women explicitly states that children born out of wedlock face discrimination. "Children born outside marriage also face problems throughout their lifetime, especially since they are registered and identified as such in official documents. In such cases, girls are confronted with intersecting layers of discrimination based on their legal status and sex".³³⁷

Algeria has made progress in implementing the Committee's recommendations to better integrate child rights and international standards into the administration of juvenile justice.³³⁸ For example, the Algeria Ministry of Justice is implementing a training programme on youth crime prevention targeting judges and social workers, and with support from UNICEF, Algeria will be implementing a comprehensive child justice reform programme in 2011/2012.³³⁹ More research is needed on whether this programme will address all of the areas of concerns identified by the Committee including establishment of special juvenile divisions of courts, systematic training of professionals, upgrading of detention facilities for juveniles, improved access to complaint mechanisms while in detention and access to recovery and social integration services upon release.

2.4 Status of the Right to Education

Since its independence in 1962, Algeria has made school education for children a constitutional right. Article 53 of the Constitution states that "the right to education is guaranteed; education shall be provided free of charge under the conditions established by law".³⁴⁰ Under the Education Policy Bill, education is compulsory from the age of 6 to 16 years, and parents or legal guardians who fail to comply are liable to a penalty.³⁴¹

333-US Department of States, 'Trafficking in Persons Interim Assessment Algeria', 24 February 2010

334-Committee on Economic, Social and Cultural Rights, 'Concluding Observations of the Committee on Economic, Social and Cultural Rights: Algeria', E/C.12/DZA/CO/4, 21 May 2010, Advanced Unedited Version

335-Ibid.

336-UN Office of the High Commissioner for Human Rights 'Committee on Economic, Social and Cultural Rights considers report of Algeria', 6 May 2010 <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10027&LangID=E>

337-Human Rights Council 'Report of the Special Rapporteur on Violence against Women, its Causes and C, Yakin Ertürk – Addendum: Mission to Algeria', A/HRC/7/6/Add.2, 13 February 2008

338-Committee on the Rights of the Child, 'Concluding Observations: Algeria', CRC/C/15/Add.269, 12 October 2005, [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/\\$FILE/G0544259.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/$FILE/G0544259.pdf)

339-Commission on Crime Prevention and Criminal Justice, 'National and International Efforts for Child Justice Reform through Improved Coordination of Technical Justice: Report of the Secretary General', E/CN.15/2011/13, 25 January 2011 http://www.juvenilejusticepanel.org/resource/items/U/N/UNSGChildJusticeReform11_EN.pdf

340-Human Rights Council, 'National Report submitted in accordance with Paragraph 15(A) of the Annex to the Human Rights 5/1 Algeria', A/HRC/WG.6/1/DZA/1, 20 March 2008

341-Committee on the Rights of the Child, 'Second periodic reports of States parties due in 2000: Algeria', CRC/C/93/Add.7, 3 March 2005



Gender parity in primary education has almost been achieved. Gross primary school enrolment rates for boys and girls are at 111 per cent and 104 per cent respectively.³⁴² School drop-out rate however remain high: less than half of primary school students go on to the secondary level, and only 12 per cent of the primary school students obtain a higher educational degree.³⁴³ Children out of school are likely to be rural children, children of mothers with no formal education or only primary education, and children from the poorest household quintile.³⁴⁴

Quality of school education is negatively affected by overcrowded classrooms and inadequate training of teachers and infrastructure, undermining the overall value of free and equal access.³⁴⁵ In addition, there remain stark regional disparities in quality and access to education, with the most populated *wilayas* suffering from high student-to-teacher ratio, of up to 40 students per class. The Committee of Economic, Social and Cultural Rights has recommended Algeria to take urgent measures to address regional disparities through the creation of new establishments and the expansion of the school transport system, and to further strengthen its current efforts to ensure the teaching of the Amazigh language and culture in all regions and at all education levels, including through increasing the number of qualified Amazigh language teachers.³⁴⁶ A 2010 report has highlighted that despite the declaration of Tamazight as a national language in 2002, there is still no actual teaching of written or spoken Berber languages in Algerian schools.³⁴⁷

Modest progress has been made in improving the access of children to pre-school education. In its 2005 Concluding Observations, the Committee expressed its concern that only a minority of children, particularly in rural areas, participate in pre-primary education.³⁴⁸ In the past decade, gross enrolment rate has increased by over 10 percentage points and has now reached 23 per cent.³⁴⁹

2.5 Status of Right to Life and Survival

Algeria has made important strides in reducing child and infant mortality: between 1990 and 2009, under-5 mortality fell from 61 (per 1000 live births) to 32 and under-1 mortality from 51 to 29.³⁵⁰ However, according to the Algerian National Statistics Office, over 36,000 children under one year of age die annually in Algeria, underlying the need to draw up a national plan to reduce the infant mortality rate, including increasing investments in health care in remote rural areas.³⁵¹ Algeria fully financed the national immunisation programme during the period 2005- 2008, indicating its enhanced effort to ensure the survival and development of children.³⁵² In its 2005 Concluding Observations, the Committee expressed concern about the decreasing use of exclusive breastfeeding. There has been no progress on this front with exclusive breastfeeding of children less than six months old estimated at an extremely low 7 per cent.³⁵³ The right to survival and development of Sahrawi refugee children in Tindouf is fragile; at 62 per 1,000 live births under-5 mortality rate is higher than national average.³⁵⁴ Infants are particularly

342-2005-2009 figures, UNICEF, 'Algeria Statistics', http://www.unicef.org/infobycountry/algeria_statistics.html

343-Committee on Economic, Social and Cultural Rights, 'Concluding Observations of the Committee on Economic, Social and Cultural Rights: Algeria', E/C.12/DZA/CO/4, 21 May 2010, Advanced Unedited Version

344-Cecilia Baldeh et al 'Every child counts: Universal primary education in the Middle East and North Africa', July 2008, <http://siteresources.worldbank.org/EDUCATIONLP/Resources/460908-1209498676534/4950769-1217974426107/WBIUNICEFMENA.pdf>

345-Human Rights Council 'Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk – Addendum: Mission to Algeria', A/HRC/7/6/Add.2, 13 February 2008

346-Ibid.

347-Report cited in Minority Rights Group International, 'State of the World's Minorities and Indigenous Peoples 2011 Events of 2010', 2011

348-Committee on the Rights of the Child, 'Concluding Observations: Algeria', CRC/C/15/Add.269, 12 October 2005, [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/\\$FILE/G0544259.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/$FILE/G0544259.pdf)

349-UNESCO, 'EFA Regional Report for the Arab States: 2011', 2011

350-UNICEF, 'Algeria Statistics', http://www.unicef.org/infobycountry/algeria_statistics.html

351-Magharebia, 'Algeria links infant mortality to poor prenatal care' 28 January 2011, http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2011/01/28/feature-02

352-African Child Policy Forum 'The African Report on Child Wellbeing 2011: Budgeting for Children', 2010

353-2005-2009 figures, 'UNICEF, Algeria Statistics', http://www.unicef.org/infobycountry/algeria_statistics.html

354-UNICEF, 'Humanitarian Action for Children Middle East and North Africa', 2011 <http://www.unicef.org/hac2011/files/>



vulnerable to acute diarrheal disease and respiratory infections, exacerbated by inadequate water and sanitation facilities.³⁵⁵

2.6 Status of Right to Health

The right to health is a constitutional right enshrined in Article 54 of the Constitution which states that “the State shall act to prevent and combat epidemic and endemic diseases”.³⁵⁶ Algeria spent 11 per cent of its total expenditure on health in 2008.³⁵⁷

Despite relatively high investments, the health sector remains riddled with challenges, including the limited availability of medicines, the insufficient quality of health care in terms of building maintenance, hygiene, and reception of patients, as well as the poor conditions of work of health care professionals.³⁵⁸ Moreover, households in rural communities face considerable difficulties in accessing health care due to an unequal geographic distribution of care facilities. Although the law provides for free medical care for children living with disabilities, information on access to healthcare is limited.

In Algeria, HIV/AIDS prevalence rate is less than 0.1 per cent³⁵⁹, although actual levels of infection may be higher due to under-reporting. An estimated 21,000 persons are living with HIV/AIDS³⁶⁰, although no information on the share of children within this group has been found. The government has put in place consecutive national plans on HIV/AIDS, focusing on prevention, treatment and community mobilisation. In its 2005 Concluding Observations, the Committee, while welcoming efforts to address HIV/AIDS, regretted the limited access by teenagers to reproductive health education and services, as well as inadequate sex education at schools.³⁶¹

The Committee recommended Algeria to allocate more resources to reducing the disparities, often extreme, between rural and urban areas regarding access to health services, to expand health care programmes for children living with disabilities, and to continue cooperation with UN agencies in ensuring access to health services for Western Saharan refugee children.

2.7 Status of Child Rights under Emergencies

Algeria is signatory to the 1951 UN Refugee Convention and its 1967 protocol, and the AU 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. Similarly to all North African signatory countries, however, it has not put in place domestic refugee or asylum legislation consistent with international standards. In early 2011, the UNHCR welcomed the Algerian Government’s expression of interest in working to establish national asylum legislation.³⁶² The Algerian government has agreed to work with the UNHCR to issue birth certificates for refugees born on Algerian territory and to intervene with the local authorities on behalf of victims of sexual and gender-based violence.

More research is needed in terms of Algeria’s policy framework on internationally displaced persons (IDPs) and disaster risk reduction (DRR). The country is vulnerable to natural disasters, particularly floods and drought, and further assessment is needed with disaster risk reduction plans specifically identify children’s specific vulnerabilities.

[HAC2011_4pager_MENA_rev1.pdf](#)

355-Ibid.

356-Human Rights Council, ‘National Report submitted in accordance with Paragraph 15(A) of the Annex to the Human Rights 5/1 Algeria’, A/HRC/WG.6/1/DZA/1, March 2008

357-African Child Policy Forum ‘The African Report on Child Wellbeing 2011: Budgeting for Children’, 2010

358-Committee on Economic, Social and Cultural Rights, ‘Concluding Observations of the Committee on Economic, Social and Cultural Rights: Algeria’, E/C.12/DZA/CO/4, 21 May 2010, Advanced Unedited Version

359-Committee on the Rights of the Child ‘Third and Fourth periodic reports of State Parties due in 2010: Algeria’ (French) CRC/C/DZA/3-4, 4 July 2011, <http://www2.ohchr.org/english/bodies/crc/crcwg59.htm>

360-UNDP, ‘Arab Human Development Report 2009: Challenges to Human Security in the Arab Countries’, 2009

361-Committee on the Rights of the Child, ‘Concluding Observations: Algeria’ CRC/C/15/Add.269, 12 October 2005

362-UNHCR, ‘2011 Regional Operations Profile - North Africa’, <http://www.unhcr.org/pages/49e485f36.html>



3. Stakeholder Analysis

3.1 Government structures

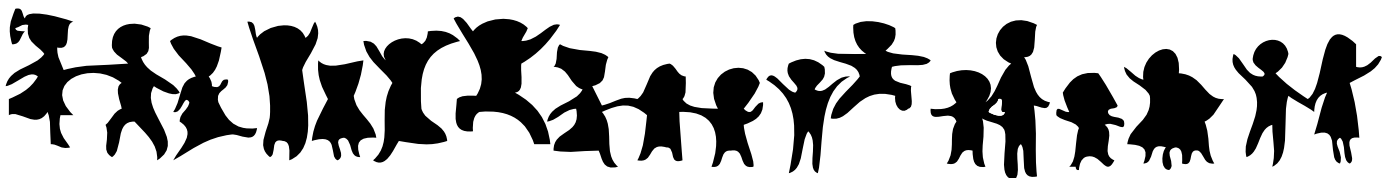
The National Children's Commission was set up in 2004 as a national body to monitor children's rights and is empowered to receive, examine and process complaints from children.³⁶³ The other main body responsible for the implementation of the Convention is the Inter-Ministerial Committee for the Protection and Development of the Child³⁶⁴, although coordination mechanisms between these two bodies are not clear. Coordination mechanisms between national and local levels also need careful assessment. Other leading bodies in childhood development include the Ministry of Labour and Social Welfare which is mandated to investigate child labour cases and run specialised Social Reinsertion Centres and Protection Centres, and the Ministry of Justice which is also mandated to work on trafficking and juvenile justice issues.

3.2 Civil society

Civil society is rapidly developing in Algeria, with an unprecedented increase in the number of CSOs engaged in service provision and in advocacy. There are over 80,000 local associations and 1,000 national organisations.³⁶⁵ International non-governmental organisations (INGOs) working in Algeria include War Trauma (Holland) and Penal Reform, and those working with Western Sahrawi refugees include Oxfam Solidarité and Spanish NGO Mundubat.

General awareness on child rights issues amongst CSOs is on the rise, with an increasing number of organisations working at the national level to promote child rights. These include NADA Network, a network for the protection of child rights, whose membership exceeds 100 associations, and ANSEDI, a national association for children in difficulty and in institutions,³⁶⁶ and the National Foundation for Health Progress and Research Development (FOREM). A more comprehensive assessment of child rights organisations is needed, to better understand the effectiveness of services delivered to children and to assess the impact of advocacy work on policy formulation and enforcement. The extent to which the growing number of human rights organisations such as the Nour Organisation for Protecting and Advancing Human Rights, and the Algerian League for the Defence of Human Rights, address child rights also needs further research.

CSOs work under restrictive legislative environment. Although the constitution provides for the right of association, the government and the 1992 emergency decree have severely restricted this right in practice. The Ministry of Interior must approve all political parties before they are legally established, and the government regularly restricts the registration of rights-based CSOs on security grounds.³⁶⁷



363-Human Rights Council, 'National Report submitted in accordance with Paragraph 15(A) of the Annex to the Human Rights 5/1 Algeria', A/HRC/WG.6/1/DZA/1, March 2008

364-Committee on the Rights of the Child, 'Concluding Observations: Algeria', CRC/C/15/Add.269, 12 October 2005, [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/\\$FILE/G0544259.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/$FILE/G0544259.pdf)

365-Committee on the Rights of the Child 'Third and Fourth periodic reports of State Parties due in 2010: Algeria' (French) CRC/C/DZA/3-4, 4 July 2011, <http://www2.ohchr.org/english/bodies/crc/crcwg59.htm>

366-Mouloud Boumghar, 'The APRM in Algeria: A critical assessment', July 2009 http://afriMAP.org/english/images/report/AfriMAP_APRM_Algeria_En.pdf

367-US Department of State, '2010 Country Reports on Human Rights Practices', 8 April 2011, Algeria Country Report available at <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154458.htm>





Bahrain Country Profile

1. Country Overview

1.1 Demographic Profile

The Kingdom of Bahrain, a small island state in the Gulf, has a total population of 791,000, out of which 251,000 are under the age of 18 and 70,000 under the age of 5.³⁶⁸ Nearly 40 per cent of the total population are composed of international migrants: the country is host to 315,400 international migrants, out of which an estimated 33 per cent are female.³⁶⁹ The majority of the 'Bidoon' population, a group of some 9,000 to 15,000 stateless persons mainly of Persian-origin, are being granted citizenship since 2001.³⁷⁰ 70 per cent of the total native population are Shi'a.³⁷¹

1.2 Socio-economic Developments

Since gaining independence in 1971, Bahrain has witnessed dramatic socio-economic changes. It was one of the first countries in the Gulf region to benefit from the oil boom, and is now classified as a high income country, with an average per capita income of \$25,420.³⁷² It is also categorised as very high development country, ranking 39 out of 169 nations in Human Development Index (HDI).³⁷³ In 2007/2008, the Ministry of Social Development allocated approximately BHD 1.5 million (\$4 million)³⁷⁴ out of its annual budget for development programmes geared towards children.³⁷⁵ The country is largely on track to meet the Millennium Development Goals (MDG) by 2015, although eliminating gender inequalities in workforce and in public sphere still poses a significant challenge. Youth unemployment rate also remains high at 20 per cent.³⁷⁶

1.3 Political Developments and Human Rights Record

Since Sheikh Hamad bin Issa Al-Khalifa took over as Emir on his father's death in 1999, an array of political reforms have implemented. In 2001, in a historic national referendum, the population endorsed the National Action Charter, the blueprint for the country's reform programme. In the same year, a new municipal law was adopted, paving the way for administrative decentralisation. On 14 February 2002, a new constitution was promulgated³⁷⁷, adopting a two-chamber legislative system, approving women's right to vote and run in public elections, and stipulating the establishment of a supreme constitutional court to monitor the constitutionality of the law. Women's political participation has been enhanced, with more women appointed to the Consultative Council, the Council of Deputies, and the *Sbaura* Council. The Nationality Law still discriminates against women, as children born to Bahraini women married to foreign men are denied Bahraini nationality.³⁷⁸ Private ownership of media has been allowed as has the establishment of an association for protecting the rights of journalists.³⁷⁹ Despite these advances, freedom of expression remains restricted with government regularly shutting down websites and political newsletters.

³⁶⁸-2009 figures, UNICEF, 'Bahrain Statistics', http://www.unicef.org/infobycountry/bahrain_statistics.html

³⁶⁹-2010 figures, United Nations Population Division, 'International Migrant Stock: 2008 Revision' <http://esa.un.org/migration/p2k0data.asp>

³⁷⁰-Bidoon is short for 'Bidoon jinsiya' which means 'without nationality' in Arabic. Freedom House, 'Bahrain', 2002, http://www.freedomhouse.org/modules/mod_call_dsp_country-fiw.cfm?year=2002&country=767

³⁷¹-Bahraini Youth Society for Human Rights 'Condition of the Rights of the Child in Bahrain', December 2008

³⁷²-2008, Gross National Income per capita, Atlas method (current US\$), World Bank 'Bahrain Data', <http://data.worldbank.org/country/bahrain>

³⁷³-2010, UNDP 'Bahrain Country Profile of Human Development Indicators', <http://hdrstats.undp.org/en/countries/profiles/BHR.html>

³⁷⁴-Exchange rate of July 2011

³⁷⁵-Human Rights Council, 'Working Group on the Universal Periodic Review, National Report: Bahrain' A/HRC/WG.6/1/BHR/1, 11 March 2008

³⁷⁶-2001 data, % of total labour force ages 15-24, World Bank 'Bahrain Data', <http://data.worldbank.org/country/bahrain>

³⁷⁷-National Legislative Bodies, 'Constitution of the Kingdom of Bahrain', 14 February 2002, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,BHR,4562d8cf2,48b54f262,0.html>

³⁷⁸-Committee on the Rights of the Child, 'Second and Third Periodic Reports of States Parties due in 1999: Bahrain', CRC/C/BHR/2-3, 25 March 2010

³⁷⁹-Achievements to good governance are enumerated on UNDP Arab Human Rights Index website, available at <http://www.arabhumanrights.org/en/countries/country.aspx?cid=2>



During 2010, sporadic protests took place in predominantly Shi'a villages against government discrimination in relation to housing and employment opportunities.³⁸⁰ In February 2011, hundreds of thousands of protesters took to the streets to advocate for political reforms. As in many of the Arab countries, the protests ('Arab Spring') produced a violent government response, with reportedly high incidences of beatings, systematic torture, and arbitrary detentions, especially in more marginalised Shi'a communities.³⁸¹ The Bahrain Centre for Human Rights reports that the deterioration of human rights situation in the country has impacted upon children and that children have become victims of Bahraini regime excessive use of force.³⁸²

1.4 Society and Culture in regards to Children

Shariah governs the social status of children, which is shaped by tradition and religion to a greater extent than by civil law. Public discussion of child abuse is rare and the preference of the authorities has always been to leave such matters within the purview of the family or religious groups.³⁸³ Respect for the views of the child is restricted by traditional attitudes and there is a need to enhance the understanding of the value of the right to be heard in all institutions attended by children and at all levels of society, especially at the community and school level, including through awareness-raising activities, and training for adults and children, reports the United Nations (UN) Committee on the Rights of the Child (Committee).³⁸⁴

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

Bahrain acceded to the UN Convention on the Rights of the Child (Convention) on 13 February 1992, without any declarative interpretation of reservations.³⁸⁵ It submitted its initial report to the Committee in August 2000 and its consolidated second and third periodic report in February 2009, ten years after its due date. In 2011, the International Baby Food Action Network (IBFAN) submitted an alternative report on the situation of infant and young child feeding in Bahrain. The country's compiled fourth to sixth report is due on 14 September 2017. The Committee issued its Concluding Observation on the initial periodic report in 2002 and its Concluding Observations on the second and third report in June 2011.³⁸⁶

In its 2011 Concluding Observations, the Committee, while welcoming the legislative, institutional, and policy measures undertaken by Bahrain to promote child rights, urged the country to address the recommendations from the previous Concluding Observations that have not been adequately addressed. While Bahrain has prepared a comprehensive Child Rights and Education Bill containing sections on child health care, social welfare, educational and cultural care, alternative care, educational care and rehabilitation for children with disabilities, treatment of juvenile offenders and protection of children from sexual and physical abuse and assault, the Bill has yet to be promulgated.³⁸⁷ The Committee reiterated its concerns that national legislation is still not fully aligned to the principles and articles of the Convention, in particular with regards to the

380-Amnesty International, Report 2011, 'The State of the World's Human Rights', 2011

381-BBC News, 'Will Bahrain's Arab Spring Bear Bruit', 30 May 2011 http://news.bbc.co.uk/today/hi/today/newsid_9499000/9499462.stm

382-Bahrain Centre for Human Rights, Bahrain, 'Violations of the Rights of the Child Worse than Ever: Deaths by Excessive Force, and Military Trials at age of 15', 29 May 2011 <http://www.bahrainrights.org/en/node/4186>

383-OMCT, 'Rights of the Child in Bahrain', Submitted to the Committee of the Rights of the Child', 29th Session, Geneva, 14 January - 1 February 2002, http://www.omct.org/pdf/cc/Bahrain_Web_GB.pdf

384-Committee on the Rights of the Child, 'Concluding Observations: Bahrain', CRC/C/BHR/CO/2-3, Advanced unedited version, 17 June 2011

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

386-Committee on the Rights of the Child, 'Concluding Observations: Bahrain' CRC/C/BHR/CO/2-3, Advanced Unedited Version, 17 June 2011

387-Committee on the Rights of the Child 'Written replies by the Government of Bahrain to the list of issues related to the consideration of the combined second and third periodic report of CRC/C/BHR/Q/2-3/Add.1', 13 May 2011



administration of juvenile justice, protection of children from ill-treatment and non-discrimination. The Committee also recommended Bahrain to strengthen the coordination of child-related activities of relevant ministries, non-governmental organisations (NGOs) and civil society, and to initiate a child budgeting exercise and to ensure regular impact assessments of budgetary allocations for child rights programmes.

Bahrain acceded to the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 21 September 2004.³⁸⁸ It acceded to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on the same day. It submitted its initial periodic report on the OPSC in October 2004 and the initial report on the OPAC in October 2006.³⁸⁹

2.2 Regional and International Human Rights Instruments

Bahrain has ratified or acceded to major UN Conventions concerned with human rights, namely: the International Convention on the Elimination of All Forms of Racial Discrimination (1990), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1998), the Convention on the Elimination of All Forms of Discrimination Against Women (2002), the International Covenant for Civil And Political Rights (2006), and the International Covenant on Economic, Social and Cultural Rights (2007). Bahrain signed the Convention on the Rights of Persons with Disabilities on 25 June 2007, but has yet to ratify it.

Bahrain has also signed regional treaties. It agreed to the ‘Cairo Declaration on Human Rights in Islam’ a declaration of the member states of the Organisation of the Islamic Conference (OIC) adopted in Cairo in 1990. The declaration is a guiding document that does not require ratification.³⁹⁰ It also ratified the (Amended) Arab Charter of Human Rights of the League of Arab States, and delivered the relevant documents to the General Secretariat of the Arab League on June 18, 2006.³⁹¹

The UN Human Rights Council Universal Period Review (UPR) of Bahrain was held in April 2008.³⁹² During the review, a number of delegations commended Bahrain for its progress in promoting child rights, particularly with regard to right to education. Only one recommendation was made with regards to child rights, specifically to expedite draft law on the provision of citizenship to children born of Bahraini women and non-Bahraini man.

2.3 Status of the Right to Protection

Article 5 (a) of the Constitution of Bahrain, enshrines, to some extent, the protection of children from neglect, abuse, exploitation, and violence “The law shall protect mothers and children, provide for the welfare of the young, protect them from exploitation and shield them from moral, physical and spiritual neglect”.³⁹³

As a direct follow up to the Committee’s 2002 Concluding Observations that legislative measures should be taken to protect children from all forms of violence, including child sexual abuse, Bahrain has also put in place legislative and executive measures to protect children from violence, neglect, ill-treatment and exploitation. In May 2007, the Bahrain Centre for Child Protection was established by Decree-Law No. 10 of 2007, as the central child protection authority, responsible for assessing and monitoring children subjected to ill-treatment, physical and psychological abuse, neglect and sexual abuse, and for providing a range of services including assessments, examinations, treatment

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

389-United Nations Treaty Collection, Reporting status available on <http://www.unhcr.ch/tbs/doc.nsf/NewhvVAlISPRByCountry?OpenView&Start=1&Count=250&Expand=13.8#13.8>

390-OIC, ‘Cairo Declaration on Human Rights in Islam’, 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,,3ae6b3822c,0.html>

391-UNDP, ‘Arab Human Rights Index’, <http://www.arabhumanrights.org/en/countries/country.aspx?cid=2>

392-Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review Bahrain’, 22 May 2008, A/HRC/8/19

393-National Legislative Bodies, ‘Constitution of the Kingdom of Bahrain’, 14 February 2002, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,BHR,4562d8cf2,48b54f262,0.html>



and follow-up.³⁹⁴ The Centre receives cases that are referred to by relevant government bodies (the Ministries of Justice and Islamic Affairs, Interiors, Health, Education, and the Security Centres and Public Prosecutions) as well as by children and their parents, practitioners including doctors, specialists, teachers, and other citizens.³⁹⁵ In 2008, Bahrain issued Act No. 1 of 2008, criminalising human trafficking, and paving the way for the establishment of a National Committee to Combat Trafficking in Person.³⁹⁶

Furthermore, under the draft Child Rights and Education (still waiting enactment as of June 2011) violence against children is prohibited and child protection procedures, including if necessary placement with foster parents, are envisaged. The Bill also contains an article that specifically prohibits the use of physical violence and humiliating or degrading treatment in schools.³⁹⁷ Corporal punishment in schools is also banned under the Code of School Discipline, promulgated by the Ministry of Education in Ordinance No. 549/168-1/1992.³⁹⁸

Corporal punishment at homes and at alternative care setting however is not adequately addressed. Laws against violence are not interpreted as prohibiting corporal punishment, which is socially accepted as a disciplinary measure. According to Article 16 of the Penal Code “nothing is an offence which is done in exercise of a right justified by law or custom”.³⁹⁹ Awareness raising campaigns to ensure that alternative forms of discipline are used are thus needed.

In general, progress on implementing the Committee’s 2002 recommendations on child protection has been weak. Although some measures have been implemented – notably the establishment of a centre specialising in the protection of children, overseen by Ministry of Social Development, and setting up of a Helpline for Children – the country has yet to develop a comprehensive approach in addressing child abuse including, for example, studies, legislative measures, public education campaigns, child-sensitive procedures and mechanisms, prosecuting violators and providing care, recovery and reintegration for victims, and training for professionals in identification, reporting and management of ill-treatment cases.⁴⁰⁰

Progress on addressing the issue of child marriage has also been limited. In its 2011 Concluding Observations, the Committee expressed its deep concern at the inequality in the legal minimum age of marriage for boys (18 years) and girls (15 years), and that girls could marry even before the age of 15 years with the agreement of the judge. The Committee urged Bahrain to ensure full compliance of national provisions on the definition of the child with Article 1 of the Convention, in particular, the definition of the minimum age of marriage.

Forced or compulsory child labour also is prohibited by the Constitution, and the Government enforces this prohibition effectively.⁴⁰¹ The minimum age for employment in Bahrain is 14 years for both national and foreign workers, as stipulated by Bahrain’s Labour Code for the Private Sector.⁴⁰²

394-Committee on the Rights of the Child, ‘Second and third periodic reports of States parties due in 1999: Bahrain’, CRC/C/BHR/2-3, 25 March 2010

395-More information is available on the website of the National Centre for Child Protection http://www.social.gov.bh/childhood/childhood_care/the_national_center_for_child_protection

396-Human Rights Council, ‘Working Group on the Universal Periodic Review, National Report: Bahrain’ A/HRC/WG.6/1/BHR/1, 11 March 2008

397-Committee on the Rights of the Child, ‘Second and third periodic reports of States parties due in 1999: Bahrain’, CRC/C/BHR/2-3, 25 March 2010

398-Global Initiative to End All Corporal Punishment of Children Bahrain, ‘Briefing for the Human Rights Council, Universal Periodic Review’, 2007

399-Global Initiative to End All Corporal Punishment against Children, ‘Bahrain Country Report’, December 2010 <http://www.endcorporalpunishment.org/pages/pdfs/states-reports/Bahrain.pdf>

400-UNICEF, ‘Draft Programme of Co-operation between The Government of Bahrain and UNICEF 2007-2009’, 2007

401-US Department of Labour ‘Bahrain: Laws Governing Exploitative Child Labour Report’, September 2005

402-Committee on the Rights of the Child, ‘Written replies by the Government of Bahrain to the list of issues (CRC/C/BHR/Q/2-3) related to the consideration of the combined second and third periodic report of Bahrain (CRC/C/BHR/2-3)’, CRC/C/BHR/Q/2-3/Add.1, 13 May 2011



However, despite this legislation, an estimated 5 per cent of Bahraini children aged 5-14 are engaged in child labour⁴⁰³ (although detailed breakdown on age groups and occupations are not currently available). The labour code also regulates employment of 14 to 16 years old, prohibiting their employment in hazardous jobs. Legal protection is not extended or enforced to certain categories of working children, such as those employed as domestic servants, or work in agricultural sector or family owned businesses. As such, children working in these sectors, especially those under 14 years of age, are vulnerable to exploitative working practices.

The administration of juvenile justice remains an area of concern. In its 2011 Concluding Observations, the Committee expressed deep concerns that the legal minimum age of criminal responsibility remains very low at 7 years of age, well below the internationally accepted standards.⁴⁰⁴ Moreover, under the national criminal code, children lose their status of being a child at the age of 15 and the provisions of the Juvenile Law are not applied to them. In addition, alternatives to deprivation of liberty are not sufficiently used and no separate housing is provided for detained children aged 15-18.

2.4 Status of the Right to Education

Article 7 of the Constitution of Bahrain provides that: “the State...shall also guarantee educational and cultural services for citizens. Education shall be compulsory and free of charge in the first stages, as specified and prescribed by law”.⁴⁰⁵ The 2005 Education Act made education free and compulsory for all children, including non-citizens, ages 6 to 15. While the Act imposes fines on parents whose children failed to attend school and outlined other measures to encourage school attendance, authorities do not generally enforce compulsory education.⁴⁰⁶

The net enrolment rate for primary school is 98 per cent for boys and 97 per cent for girls, and the net secondary school enrolment is 87 per cent for boys and 92 per cent for girls.⁴⁰⁷ Enrolment in pre-school education has been increasing steadily, with 59 per cent gross enrolment rate in 2009.⁴⁰⁸ Concern however, has been expressed about the quality of pre-school education in Bahrain,⁴⁰⁹ particularly due to limited training of pre-primary teachers.

Access of children living with disabilities to inclusive schools is limited due to lack of adequately equipped buildings, adapted school curricula, teaching materials, as well as trained teachers. The Committee also points that children with disabilities do not have access to early childhood educational services.⁴¹⁰ Quality of education is assumed to be lower in Shi’a neighbourhoods than in Sunni ones,⁴¹¹ although information by religious groups is difficult to obtain.

2.5 Status of the Right to Survival and Development

Bahrain recognises every child’s inherent right to life and, as stated in Article 5 of the Constitution it guarantees to the extent possible the survival and development of the child.⁴¹² Bahrain has made significant strides in securing the right to life and development of children. Child mortality

403-2000-2009 figures, UNICEF, ‘Bahrain Statistics’, http://www.unicef.org/infobycountry/bahrain_statistics.html

404-Committee on the Rights of the Child, ‘Concluding Observations: Bahrain’ CRC/C/BHR/CO/2-3, Advanced Unedited Version, 17 June 2011

405-National Legislative Bodies, ‘Constitution of the Kingdom of Bahrain’, 14 February 2002, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,BHR,4562d8cf2,48b54f262,0.html>

406-US Department of State, ‘Bahrain - 2007 Country Report on Human Rights Practices’, 11 March 2008

407-2005-2009 figures, UNICEF, ‘Bahrain Statistics’, http://www.unicef.org/infobycountry/bahrain_statistics.html

408-UNESCO, ‘EFA Regional Report for the Arab States: 2011’, 2011

409-UNICEF, ‘Recommendation for funding, Gulf Area Sub-Regional Programme’, 1 July 2003

410-Committee on the Rights of the Child, ‘Concluding Observations: Bahrain’ CRC/C/BHR/CO/2-3, Advanced Unedited Version, 17 June 2011

411-International Bureau for Children’s Rights, ‘Bahrain: Making Children’s Rights Work’, 2007

412-Committee on the Rights of the Child, ‘Second and third periodic reports of States parties due in 1999: Bahrain’, CRC/C/BHR/2-3, 25 March 2010



(under-5), already low at 16 (per 1000 live births) in 1990 decreased to 12 in 2009, and infant mortality (under-1) declined from 14 to 10 over the same period.⁴¹³ Immunisation coverage is high: in 2009, the vaccination rate of 1-year old for the triple vaccine DPT (diphtheria, pertussis and tetanus) was 98 per cent.⁴¹⁴

In its 2011 Alternative Report, the International Baby Food Action Network (IBFAN) reported that although the Committee has made no recommendations in 2002 on infant and young child feeding, this remains an issue in Bahrain. Exclusive breastfeeding rate at six months of age is low at 34 per cent (meaning that two thirds are mixing breastfeeding with other complementary foods before the recommended age of six months).⁴¹⁵ In its 2011 Concluding Observations, the Committee recommended the establishment of Breastfeeding Committee, the promotion of baby friendly hospitals, and special measures to facilitate breastfeeding in the work place.

2.6 Status of the Right to Health

Under Article 8 of the Constitution, all citizens have the right to comprehensive health care which is free of charge: “Every citizen is entitled to health care. The State care for public health and state ensures the means of prevention and treatment by establishing a variety of hospitals and healthcare institutions”.⁴¹⁶ The government reports that children living with disabilities have the right to specialised health care.⁴¹⁷ Children, born of Bahraini women married to foreign men however are not entitled to free health care, and a draft bill on waiving fees for government services is now before the Consultative Council.⁴¹⁸

Health is allocated approximately 7 per cent of total government budget,⁴¹⁹ and health indicators are high. In its 2011 Concluding Observations, the Committee noted that the high level of anaemia amongst children remains a challenge, as does the lack of access of adolescents to information and services on reproductive health and substance abuse. Prevalence of HIV/AIDS is low, as of October 2007, 300 cases of HIV/AIDS were recorded, out of which 6 cases were children under 14 years of age.⁴²⁰ The total number of cases may be under-reported or un-detected.

2.7 Status of Child Rights under Emergencies

In its 2011 Concluding Observations, the Committee expressed its deep concerns that children have not been sufficiently protected during the recent political unrest and protests that have swept across the country, and called upon the country to strengthen its legal and institutional system for the protection and promotion of the rights of the child, especially those in contact with the law. The Committee also deeply regretted that 2011 events have resulted in breaches to the basic rights to survival, health and protection of children.⁴²¹ It noted with concern reports according to which torture and other forms of ill-treatment were used including on persons under the age of 18, and the Committee expressed serious concern at the lack of investigation into complaints of torture and other forms of ill-treatment and arbitrary arrests, resulting in insufficient prosecution

413-UNICEF, ‘Bahrain Statistics’, http://www.unicef.org/infobycountry/bahrain_statistics.html

414-Ibid.

415-IBFAN, ‘Report on the Situation of Infant and Young Child Feeding in Bahrain’, May 2011

416-National Legislative Bodies, ‘Constitution of the Kingdom of Bahrain’, 14 February 2002, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,BHR,4562d8cf2,48b54f262,0.html>

417-Committee on the Rights of the Child, ‘Second and third periodic reports of States parties due in 1999: Bahrain’, CRC/C/BHR/2-3, 25 March 2010

418-There appears to be contradictory information on whether children born of Bahraini women and foreign men are entitled to health care on the same conditions as citizen: in its Concluding Observations, the Committee mentions the endorsement of Law 35/2009 which mandates that children of Bahraini women married to non-Bahrainis pay the same fees as citizens for government services such as health, whereas in its periodic report the government states that a draft bill is now before the Consultative Council.

419-Committee on the Rights of the Child, ‘Second and third periodic reports of States parties due in 1999: Bahrain’, CRC/C/BHR/2-3, 25 March 2010

420-Ibid.

421-Committee on the Rights of the Child, ‘Concluding Observations: Bahrain’, CRC/C/BHR/CO/2-3, Advanced Unedited Version, 17 June 2011



of perpetrators.

As for the protection of refugees, Bahrain is not party to the 1951 UN Convention relating to the Status of Refugees, and the national legislation does not provide for the granting of asylum or refugee status to persons who meet the definition in the Convention. In practice, however, the government provides protection against *refoulement* (the return of persons to a country where they fear persecution).

3. Stakeholder Analysis

3.1 Government Structures

The National Committee on Childhood was restructured pursuant to Decree No. 46 of 2007 and is now responsible for developing national strategies for children and for coordinating with organisations working on child rights to develop and enhance their projects and programmes.⁴²² Coordination between the National Commission and the Human Rights Committee, established in 1999, whose mandate includes receiving and investigates complaints regarding violations of children's rights is weak. In its review of Bahrain's periodic report, the Committee concluded that "considerable confusion over the respective mandates of the National Committee on Childhood, the Human Rights Committee and the Child Protection Unit within the Ministry of Health."⁴²³ This has resulted in weak implementation and ineffectiveness of the national structures established for children". The Committee recommended the establishment of one main coordinating body to supervise the activities of diverse institutions with "appropriate legal framework and considerable decision making power".⁴²⁴

3.2. Civil society

Since the new constitution was promulgated, the number of civil society organisations (CSOs) has been steadily increasing; and by 2010, over 460 had been registered. The government recognises that CSOs are critical of the current legislative framework, as limiting the scope of their activities and freedom. The Committee has also expressed its concerns regarding the considerable delay in promulgating the Law on civil society, which would enable civil society to be more active in the process of implementing the Convention and provide its inputs and expertise, especially given the constraints and undue pressure faced by CSOs in Bahrain.⁴²⁵

The Bahraini Women's Society is one of the most active in the field of child protection, and launched the country's first helpline dedicated to children who are victims of abuse or neglect as part of its 'Be Free' programme.⁴²⁶ The Information Centre for Women and Children is one of the few organisations that produces or disseminates data and publications relevant to children in Bahrain and more widely in the Gulf region.⁴²⁷ The extent to which the few human rights organisations, such as the Bahrain Centre for Human Rights, Association of Bahraini Youth for Human Rights, address child rights issues needs further investigation. Although no comprehensive mapping and assessment of CSOs involved in child rights has been carried out, it is most likely that the majority of CSOs are involved in service delivery for vulnerable groups. Bahraini Mobility International, the Child and Maternal Welfare Association, Bahraini Society for Child Development, Bahrain Association for Mental Retardation, the Hidd Rehabilitation Centre for Special Needs, Sneha Centre all provide services to children living with disabilities.⁴²⁸

422-Human Rights Council, 'Working Group on the Universal Periodic Review, National Report: Bahrain' A/HRC/WG.6/1/BHR/1, 11 March 2008

423-Committee on the Rights of the Child, 'Concluding Observations: Bahrain', CRC/C/BHR/CO/2-3, Advanced unedited version, 17 June 2011

424-Ibid.

425-Ibid.

426-Gulf Centre for Strategic Studies 'Bahrain Brief', Vol 6, Issue 1, , January 2005, <http://www.bahrainbrief.com.bh/english/January%202005/current-January.htm>

427-For more information see Information Centre for Women and Children website, http://www.infocent.com.bh/main_eng.htm

428-Committee on the Rights of the Child, 'Second and third periodic reports of States parties due in 1999: Bahrain', CRC/C/BHR/2-3, 25 March 2010





Egypt Country Profile

1. Country Overview

1.1 Demographic Profile

The Arab Republic of Egypt is the most populous Arab country with over 83 million persons, out of which 31.7 million are under the age of 18 and 9.6 million are under the age of 5.⁴²⁹ The country is host to nearly 245,000 international migrants (47 per cent female) and to 109,000 refugees and asylum seekers registered with the United Nations Refugee Agency (UNHCR), the majority of which are Sudanese, Iraqis, and Somalis.⁴³⁰

Although there are no accurate and up-to-date figures on refugees without official status residing in Egypt, it is estimated that over 750,000 Sudanese and 150,000 Iraqi refugees have fled to Egypt.⁴³¹ With war raging on in Libya in the spring of 2011, an estimated 25,000 Libyans have crossed into Egypt and are being hosted in local communities.⁴³²

1.2 Socio-economic developments

Egypt is a lower middle income country, with income per capita of \$2,340.⁴³³ Its human development index (HDI) is ranked a medium 101 out of 169 countries with comparable data.⁴³⁴ While Egypt has made great strides in improving socio-economic indicators over the past decades, poverty rates are persistently high. Some of the gains made over the past decades were moreover reversed by the global 2008 food and fuel crisis. Indeed, between 2008 and 2010, the proportion of people living in poverty increased two percentage points from 19.6 to 21.6 per cent.⁴³⁵ Youth unemployment also remains persistently high at 25 per cent.⁴³⁶ Although the government has explicitly expressed its commitment to reducing regional disparities, poverty remains mainly concentrated in rural Upper Egypt governorates of Assiut, Menya, Suhag, Qena, Beni Suef and Aswan.⁴³⁷ As the world's largest importer of food⁴³⁸, further global food prices could have a devastating effect on Egypt's poor.

1.3 Political Developments and Human Rights Record

Since 18 June 1953, Egypt has been governed as a presidential republic. In 2005, the presidential elections laws were reformed, paving the way for multi-candidate elections. Positive political developments also include the establishment of the National Council for Human Rights as an independent supervisory body and 2004 amendment of the provisions of the Egyptian Nationality Act, eliminating discrimination against a child born to an Egyptian mother and a non-Egyptian father.⁴³⁹

429-2009 figures, UNICEF, 'Egypt Statistics', http://www.unicef.org/infobycountry/egypt_statistics.html

430-UNHCR, '2011 UNHCR country operations profile: Egypt', <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486356>

431-Sudan figure is from Centre for Human Rights and Humanitarian Law, 'Coping with the Refugee Implications and International Obligations as a Result of the New South Sudan', 11 March 2011

<http://hrbrief.org/2011/03/coping-with-the-refugee-implications-and-international-obligations-as-a-result-of-the-new-south-sudan/>, Iraq figure is from American University in Cairo, 'Iraqi refugees in Egypt' (undated) <http://www.fmreview.org/FMRpdfs/FMR29/54.pdf>

432-As of June 2011, UN OCHA, 'Libyan Arab Jamahiriya : Crisis Situation Report No. 45', 16 June 2011, <http://reliefweb.int/sites/reliefweb.int/files/resources/revsiterep45Libyan%20Arab%20Jamahiriya%20%E2%80%A2%20Crisis.pdf>

433-2010, Gross National Income per capita, Atlas method (current US\$), World Bank, 'Egypt Data', <http://data.worldbank.org/country/egypt-arab-republic>

434-2010 figures, UNDP, 'Egypt Country profile of Human Development Indicators'

<http://hdrstats.undp.org/en/countries/profiles/EGY.html>

435-UNDP and the Institute of National Planning, 'Egypt Human Development Report 2010', 2010 http://hdr.undp.org/en/reports/national/arabstates/egypt/Egypt_2010_en.pdf

436-2007 figures, World Bank, 'Egypt Data', <http://data.worldbank.org/country/egypt-arab-republic>

437-Ibid.

438-World Bank, 'Country Brief Egypt', www.worldbank.org

439-Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007 Egypt', CRC/C/EGY/3-4, 4 September 2010



Following eighteen days of continuous protests, President Mubarak stepped down on February 11 2011. The Supreme Council of the Armed Forces has temporarily assumed presidential responsibilities and promised free and fair presidential elections. In June 2011, Human Rights Watch warned that Egypt's transition to democracy is at risk unless the military transition government carries out a number of human rights reforms, including lifting the state of emergency, ensuring the prosecution of security officials responsible for serious abuses, repealing laws that restrict free expression, association and assembly, and ending trials of civilians before military tribunals.⁴⁴⁰

1.4 Society and Culture in regards to Children

Family ties are strong in Egypt. Traditionally, rural communities are very close-knit, and “the opinions and behaviours of family members and neighbours strongly influence decision-making within a family”.⁴⁴¹ Although the 2008 Child Law protects the right of the child to be heard, including in legal and administrative proceedings, children are generally considered as recipients of benefits, rather than as rights-holder.⁴⁴² Parents, guardians, and professionals dealing with children often do not see the need for encouraging children to express their views and participate in matters affecting them. Due to prevailing gender roles, girls in particular are not encouraged to express their opinions.

In Egypt, concern over family breakdown is being increasingly voiced. Although there are no reliable estimates of the total number of children deprived of adequate family care in Egypt, government data indicates that 46,000 children⁴⁴³ reside in various types of care institution, including 2,500 children awaiting appearance before courts.⁴⁴⁴ The main category of children deprived of home care is children living on the streets, a group that faces numerous forms of violence, hardships and exploitation, in addition to community rejection and harsh police treatment. Children in street situations – numbering as many as 2 million according to some estimates – and children born out of wedlock continue to face difficulties in obtaining birth certificates due to social stigma.⁴⁴⁵

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

Egypt was one of the first signatories of the United Nations (UN) Convention on the Rights of the Child (Convention). It ratified the Convention on 6 July 1990, with reservations on articles 20 and 21 in relation to foster care for children and adoption procedures for children. Following recommendations of the UN Committee on the Rights of the Child (Committee), which pointed out that the Convention expressly recognises *kafalah* of the Islamic Law as a form of alternative care, Egypt announced in 2003 that it had decided to withdraw its reservations.⁴⁴⁶

Egypt submitted its initial report on the implementation of the Convention to the Committee in October 1992. It submitted its second periodic report in September 1998 and its consolidated third and fourth periodic report in December 2008. Its consolidated fifth and sixth report is due in March 2016. The NGO Coalition on the Rights of the Child submitted an alternative report in January 2001. Suggestions to the Pre-Sessional Working Group and alternative reports were submitted in 2011 by International Disability Alliance and the International Baby Food Action Network

440-Human Rights Watch ‘Egypt: Human Rights Reform an Urgent Priority’, 7 June 2011, <http://www.hrw.org/en/news/2011/06/07/egypt-human-rights-reform-urgent-priority>

441-UNICEF Innocenti Insight, ‘The Dynamics of Social Change: Towards the Abandonment of FGM/C in Five African Countries’, 2010, http://www.unicef-irc.org/publications/pdf/fgm_insight_eng.pdf

442-Committee on the Rights of the Child, ‘Concluding Observations: Egypt’, CRC/C/EGY/CO/3-4, Advance Unedited Version, 20 June 2011

443-Ibid.

444-Committee on the Rights of the Child, ‘Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007 Egypt’, CRC/C/EGY/3-4, 4 September 2010

445-Committee on the Rights of the Child, ‘Concluding Observations: Egypt’, 20 June 2011, CRC/C/EGY/CO/3-4, Advance Unedited Version, 20 June 2011

446-Committee on the Rights of the Child, ‘Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007 Egypt’, CRC/C/EGY/3-4, 4 September 2010



(IBFAN).⁴⁴⁷ The Committee issued Concluding Observations on the second periodic report of Egypt on 21 February 2001.⁴⁴⁸ The Committee adopted Concluding Observations on the third and fourth periodic report at a meeting held on 17 June 2011.⁴⁴⁹

Upon review of the third and fourth periodic report, the Committee welcomed the legislative measures put in place by Egypt to promote child rights, most notably the adoption of Child Law No. 12/1996 Amended by Law No. 126/2008 in 2008. The Committee also welcomed the implementation of various plans, such as the Strategic Plan to Improve the Quality of Education (2008-12) and the National Plan to Combat Violence against Children (2007-2012). The Committee nevertheless urged Egypt to address recommendations from the Concluding Observations of the second periodic report “including those related to coordination, data collection, allocation of resources, independent monitoring as well as those concerning adolescent health, the best interest of the child in all matters affecting children, children with disabilities, economic exploitation, sexual exploitation and abuse of children”. While the Committee welcomed the introduction of a child-centred budget tracking system, it deeply regretted that budgetary allocation to children has decreased in relative terms from 23 per cent in 2003/2004 to 18 in 2006/2007. During the Second Decade for the Protection and Welfare of the Egyptian Child (2000-2010), budget allocations for child rights and promotion have grown three times as slow as budget allocations for other thematic areas.⁴⁵⁰ The effectiveness of spending for the realisation of children’s rights moreover is difficult to assess.

Egypt acceded to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 12 July 2002, and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) on 6 February 2007. It submitted initial reports on the implementation of the OPSC and the OPAC in February 2010. In November 2010, the Coalition to Stop the Use of Child Soldiers submitted an alternative report.⁴⁵¹ The Committee issued its Concluding Observations on the initial reports in June 2011.

2.2 Regional and International Human Rights Instruments

Egypt has acceded to all the major UN Conventions on human rights, namely: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (1982), the International Convention on the Elimination of All Forms of Racial Discrimination (1967), the Convention on the Elimination of All Forms of Discrimination Against Women (1981), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1986), and the Convention on the Protection of Migrant Workers and Members of their Families (1993), and the Convention on the Rights of Persons with Disabilities (2008).

Egypt is signatory to regional treaties. Egypt has agreed to the ‘Cairo Declaration on Human Rights in Islam’ issued in 1990 by foreign ministers of countries members of the Organisation of the Islamic Conference (OIC), a guiding document that does not require ratification.⁴⁵² Egypt also signed the League of Arab States’ (Amended) Arab Charter of Human Rights prepared by the Arab Summit in Tunisia in May 2004, but did not ratify it. Egypt is also member of the African Union (AU), and has ratified a number of its treaties. In March 1984, it ratified/acceded to the

447-Alternative Reports are available at Child Rights Information Network (CRIN) website http://www.bettercarenetwork.org/resources/find_altrep.asp?CRCID=63&country=63

448-Committee on the Rights of the Child, ‘Concluding Observations: Egypt’, CRC/C/15/Add.145, 21 February 2001

449-Committee on the Rights of the Child, ‘Concluding Observations: Egypt’, 20 June 2011, Advance Unedited Version, CRC/C/EGY/CO/3-4, 20 June 2011

450-UNICEF, ‘Child Poverty and disparities in Egypt: Building the Social Infrastructure for Egypt’s Future’, 2010

451-Coalition to Stop the Use of Child Soldiers ‘Report to the Committee on the Rights of the Child in advance of the examination of Egypt’s initial report On the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict’, November 2010, http://www.crin.org/docs/Egypt_CS_OPAC_NGO_Report_FINAL.pdf

452-OIC, ‘Cairo Declaration on Human Rights in Islam’, 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,3ae6b3822c,0.html>



AU African Charter on Human and Peoples' Rights,⁴⁵³ and in May 2001, Egypt signed the African Charter on the Rights and Welfare of the Child (ACRWC).⁴⁵⁴

2.3 Status of the Right to Protection

The Child Law of 2008 represents an important legislative achievement in complying national legislation with the principles of the Convention. To ensure alignment with the new Child Law, relevant articles of the Criminal Code and Civil Status Law were also amended. The Child Law contains specific provision relating to the minimum age of marriage for girls to 18, guarantees the elimination of discrimination against children born out of wedlock, penalises female genital mutilation (FGM), with a new provision also introduced to the Criminal Code (amendment by Act No. 126 of 2008), prohibits physical abuse. The new law raises the minimum age of criminal responsibility to 12 as part of a new comprehensive judicial system for children based on rehabilitation and reintegration as opposed to punishment, in line with Committee's recommendations, and replaces the expression 'potentially deviant children' with 'children in danger', and punishes trafficking, sexual harassment, exploitation, physical or emotional harm, neglect by a parent or guardian or carer, economic or commercial exploitation.⁴⁵⁵

The Child Law of 2008 has also paved the way for the establishment of governorate-level Childhood Protection Committees and local-level Child Protection Sub-Committees, to monitor children at risk and to instigate necessary legal procedures to protect children and for the establishment 24-hour free child helpline to cover the whole of Egypt hotline, known as line 16000. To date however, much of the responsibility for monitoring and follow up of file complaints rests primarily with civil society organisations, and in its 2011 Concluding Observations, the Committee recommended Egypt to strengthen its child protection system including reporting, follow up, and prosecutions and convictions of those responsible for violence against children.⁴⁵⁶

While noting with appreciation Article 3 of the Child Law of 2008 which protects children from violence and abuse, the Committee also expressed its concern that corporal punishment is still not prohibited in domestic legislation.⁴⁵⁷ Article 7A of the Child Law allows the right to discipline of parents and carers ('reasonable corporal punishment') indicating that provisions against violence and abuse is not interpreted as prohibiting corporal punishment.⁴⁵⁸ A Ministerial Directive discourages corporal punishment at schools, but there is no explicit prohibition of corporal punishment in law.⁴⁵⁹ Surveys and studies suggest that corporal punishment by teachers, and violence between students, is widespread in schools. One study found that 42 per cent of teachers "use violence as a means of controlling the teaching process".⁴⁶⁰

Despite criminalisation of FGM, prevalence remains high (66 per cent of girls aged 10 to 14) while the total number of convictions is low, suggesting impunity for perpetrators.⁴⁶¹ The Committee has recommended Egypt to strictly enforce the application of the criminalisation of this harmful

453-African Union, 'List of Countries that have ratified/acceded to the African Union Convention on African Charter on Human and Peoples Rights', undated, http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/List/African%20Charter%20on%20Human%20and%20Peoples%20Rights.pdf

454-African Union, 'List of Countries that have ratified/acceded to the African Charter on the Rights and Welfare of the Child', March 2010

455-Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007: Egypt', CRC/C/EGY/3-4, 4 September 2010

456-Global Initiative to End All Corporal Punishment of Children, 'Egypt Report', June 2011 <http://www.endcorporalpunishment.org/pages/progress/reports/egypt.html>

457-Committee on the Rights of the Child, 'Concluding Observations: Egypt', CRC/C/EGY/CO/3-4, Advance Unedited Version, 20 June 2011,

458-Global Initiative to End All Corporal Punishment of Children, 'Egypt Report', June 2011 <http://www.endcorporalpunishment.org/pages/progress/reports/egypt.html>

459-Ibid.

460-Asharq Al Awsat, 'Egyptian Schools: An Arena of Conflict' 3 January 2009, <http://www.asharq-e.com/news.asp?section=3&id=15254>

461-Committee on the Rights of the Child, 'Concluding Observations: Egypt', CRC/C/EGY/CO/3-4, Advance Unedited Version, 20 June 2011



practice, including by making reporting mandatory, strengthening the monitoring of medical doctors by the Child Protection Committees, and ensuring that medical doctors who practice FGM are prosecuted and punished in accordance with law.

Egypt has made some progress in addressing trafficking issues. In 2007, a National Coordination Committee against Trafficking was set up, and a Child Trafficking Unit was also set up within the National Council for Childhood and Motherhood. Law No. 64 on Combating Trafficking in Persons was adopted in 2010, and the National Plan of Action against Trafficking was developed in December 2010, including the launch of a National Plan of Action against Sale and Sexual Exploitation of Children.⁴⁶² However, in its 2010 Concluding Observations, the Committee on the Convention of the Elimination of All Discriminations against Women also expressed that ‘temporary’ or ‘tourist marriages’ of young rural girls to non-Egyptian wealthy men from neighbouring countries constitutes a new type of trafficking in girls.⁴⁶³ It also deplored that children subjected to the offences under the OPSC are not always perceived as victims. In Egypt, elements of coercion or forced exploitation are necessary for children over fifteen who are involved in prostitution to be considered victims; children over this age who enter into prostitution on their ‘own free will’ are held responsible under domestic legislation which criminalises prostitution.⁴⁶⁴

Legal protection of, and rehabilitation support to, working children and children living in streets remain restricted. Even prior to recent amendments, the 1996 Child Law had prohibited employment of children under the age of 14. Despite the ban, the ratification in 2002 of the International Labour Organisation (ILO) Convention No. 182 concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labour, and the adoption of the National Strategy for the Elimination of Child Labour (2006), vast numbers of children – estimates range from 3 to 15 per cent of children working⁴⁶⁵ – are employed in full-time, part-time or seasonal work. Articles related to child employment, including banning of employment in hazardous settings and regulations on working hours, are generally not enforced, and there are reports that the majority of children economically exploited are below the age of 11. There are also shortcomings in legislation, with Labour Code not covering agriculture or domestic work, the two sectors that children are most likely to work in, and the Child Law allowing seasonal employment of children of 12-14 years of age.

Although the exact number of children living in the streets is not known – estimates range from 200,000 to an outstanding 2 million – it is generally agreed that the incidence of street children is increasing while the average age of street children is decreasing.⁴⁶⁶ Nearly a quarter of street children are estimated to be less than 12 years old,⁴⁶⁷ and children are concentrated in Alexandria, Cairo, Giza, and Qalyubia.⁴⁶⁸ Children, living in the streets are particularly vulnerable to violence, abuse, and exploitation. Without proper documentation they are not able to benefit from free health care services, nor are they able to reinsert into education system without birth certificate.

In addition to increasing the age of criminal responsibility, Egypt has undertaken a number of measures to improve the administration of juvenile justice, particularly through improving detention conditions of children and youth deprived of liberty, in line with UN standards and norms in juvenile justice.⁴⁶⁹ The effective enforcement of the 2008 Child Law will also ensure the

462-Ibid.

463-Committee on the Elimination of Discrimination against Women, ‘Concluding observations of the Committee on the Elimination of Discrimination against Women: Egypt’, CEDAW/C/EGY/CO/7, Advanced Unedited Version, 5 February 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-EGY-CO-7.pdf>

464-Committee on the Rights of the Child ‘Concluding observations: Egypt’ Advance Unedited Version, CRC/C/OPSC/EGY/1, 20 June 2011

465-UNICEF, Egypt Website ‘Working Children: Issues and Impacts’ http://www.unicef.org/egypt/protection_147.html

466-ESCWA, ‘Looking the Other Way: Street Children in Egypt’, based on 2009 research, publication undated, http://www.escwa.un.org/divisions/div_editor/Download.asp?table_name=divisions_other&field_name=ID&FileID=1260

467-Ibid.

468-Committee on the Rights of the Child, ‘Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007: Egypt’, CRC/C/EGY/3-4, 4 September 2010

469-Commission on Crime Prevention and Criminal Justice, ‘National and International Efforts for Child Justice Reform through Improved Coordination of Technical Justice: Report of the Secretary General’, E/CN.15/2011/13, 25 January 2011, http://www.juvenilejusticepanel.org/resource/items/U/N/UNSGChildJusticeReform11_EN.pdf



detention of children as a last resort, will provide for segregation of children deprived from liberty from adults, and will make judicial oversight over juvenile care institutions mandatory.⁴⁷⁰ In its 2011 Concluding Observations, the Committee, while commending Egypt's move towards developing a child rights-oriented juvenile justice system, nevertheless deplored the slow progress in establishing special Child Courts and Specialised Child Prosecution Offices, and expressed concern at the high number of under-15 children who are deprived of their liberty during investigation.⁴⁷¹

2.4 Status of the Right to Education

Article 18 of the 1971 Constitution of Egypt has defined education as a right guaranteed by the state, the 1981 law has stipulated that education should be free, and the subsequent legal reform in 1999 defined nine years of basic education as the right of all children. Education is compulsory at the primary education stage, and the government is now planning to extend the period of compulsory education.

Expenditure in the education sector as percentage of total public expenditure amounted to 11.5 per cent in 2006.⁴⁷² The Egyptian pre-university education system is one of the largest in the region, encompassing more than 43,000 schools, 1.6 million personnel and over 16 million students.⁴⁷³ The ongoing education reform places increasing emphasis on 'education of quality for all'. In 2008, the Ministry of Education put in place a protocol to promote active education methods in public schools. In its review of Egypt's periodic report, the Committee urged Egypt to significantly increase its public spending on primary and secondary schools and to pursue Girls' Education Initiative, 'societal schools', 'small schools' and other flexible modalities of education.

The primary school net enrolment rates are 95 per cent for boys and 92 per cent for girls and the secondary school net enrolment rates 73 per cent and 69 per cent respectively.⁴⁷⁴ Children from low-income households in particular have difficulties accessing education. At the primary school level, the percentage of poor children in primary schools is 7 per cent lower than for better-off children, and at the secondary level, it is 24 per cent lower.⁴⁷⁵

In its Concluding Observations, while welcoming initiatives by Egypt to improve the enjoyment of all children of their right to education, the Committee expressed its concerns at the persistently low level of enrolment in primary schools, the high school drop-out rates in secondary schools, and the high levels of illiteracy affecting in particular women in rural areas. The country is also well below its early education targets. The Presidential Declaration for the Second Decade for the Protection of and Care for the Egyptian Child (2000-2010) included an objective to admit 60 per cent of all children aged 4-6 years into kindergartens with a 100 per cent intake to be achieved by 2015: in 2006/2007, registration records were only 16.7 per cent.⁴⁷⁶

The education system still continues to face serious difficulties, with adverse repercussions on poor and vulnerable children. Human Rights Watch reports that in practice, parents of children in public schools pay registration and health insurance fees, buy school uniforms and supplies, and often are pressured by underpaid teachers to pay for private tutoring so that their children succeed in school exams.⁴⁷⁷ Data indicate that one in 14 children never attended school and hence

470-Egyptian Foundation for the Advancement of Childhood Conditions and Penal Reform International, 'National Conference on Juvenile Justice in Egypt: Final Declaration', 10 January 2010

471-Committee on the Rights of the Child, 'Concluding Observations: Egypt', CRC/C/EGY/CO/3-4, Advance Unedited Version, 20 June 2011

472-Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007 Egypt', CRC/C/EGY/3-4, 4 September 2010

473-UNDP and the Institute of National Planning, 'Egypt Human Development Report 2010', 2010 http://hdr.undp.org/en/reports/national/arabstates/egypt/Egypt_2010_en.pdf

474-2005-2009 figures, UNICEF, 'Egypt Statistics', http://www.unicef.org/infobycountry/egypt_statistics.html

475-UNDP, 'Arab Human Development Report 2009: Challenges to Human Security in the Arab Countries', 2009

476-Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007: Egypt', CRC/C/EGY/3-4, 4 September 2010

477-Human Rights Watch 'Failing Our Children: Barriers to the Right to Education', 2005 <http://hrw.org/reports/2005/>



suffers from educational deprivation.⁴⁷⁸ Accessibility is an issue for vulnerable groups of children, namely children of unregistered refugees and migrant workers, and children living with disabilities. The Committee has expressed its concern that only an extremely low number of children with disabilities (1 per cent) enjoy their rights to education compared to other children.⁴⁷⁹

A Presidential Decree of 2001 permits only Sudanese children of officially recognised refugees to receive public primary education but even these children have difficulty accessing education because refugee families usually do not have the extensive documentation required.⁴⁸⁰ For the academic year 2010/2011, there were nearly 10,000 school-aged children registered with the UNHCR out of which over 6,600 were supported with education grants through UNHCR Partner Catholic Relief Services.⁴⁸¹

Access to education for children of migrant workers also remains restricted. The Committee on the Protection of the Rights of All Migrant Workers and their Families has expressed its regrets that children born in Egypt of migrant workers are not given a birth certificate by the Egyptian civil registry, and that most children of documented migrant workers do not have access to public schools while children of undocumented migrant workers do not have any access to the schooling system, whether private or public.⁴⁸²

2.5 Status of the Right to Survival and Development

The right of the child to life, survival and development within a harmonious family environment is guaranteed under the 2008 Child Law.

Egypt has made tremendous strides in decreasing child and infant mortality. Between 1990 and 2009, under-five mortality declined from 90 (per 1,000 live births) to 21, and under-one mortality decreased from 66 to 18 over the same period.⁴⁸³ The government ascribes the reduction to implementation of programmes such as the newly-born care, the expanded immunisation, sick child comprehensive care, the safe motherhood and breastfeeding and the early disability diagnosis programmes.⁴⁸⁴

However, access to good quality health care for infants and children under-five is still limited, especially in disadvantaged and rural areas. The significant differences between children who are underweight across different governorates are also a cause for anxiety: the ratio of children under five years who are classified as underweight ranges from 16 per cent in Assiut (Upper Egypt) to 1.2 per cent in South Sinai (Frontier governorate).⁴⁸⁵ Wealth inequalities in health outcomes are glaring: under-five mortality rates are three times as high for the poorest quintile as for the richest, and infant mortality rates are more than twice as high.⁴⁸⁶

In its review of the third and fourth periodic report of Egypt, the Committee recommended Egypt to further improve the quality of interventions in primary health care, including increased immunisation coverage, nutrition interventions and a prioritisation of rural areas. Other health

[education0905/education0905.pdf](#)

478-UNICEF, 'Child Poverty and disparities in Egypt: Building the Social Infrastructure for Egypt's Future', 2010

479-Committee on the Rights of the Child, 'Concluding Observations: Egypt', CRC/C/EGY/CO/3-4, Advance Unedited Version, 20 June 2011

480-Katarzyna Grabska, 'Who Asked Them Anyway? Rights, Policies and Wellbeing of Refugees in Egypt', 2006

481-UNHCR, 'Egypt Fact Sheet', June 2011, <http://www.unhcr.org/4e1412df9.html>

482-Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, 'Concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families- Egypt', CMW/C/EGY/CO/1, 25 May 2007

483-UNICEF, 'Egypt Statistics', http://www.unicef.org/infobycountry/egypt_statistics.html

484-Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007 Egypt', CRC/C/EGY/3-4, 4 September 2010

485-UNDP and the Institute of National Planning, 'Egypt Human Development Report 2010', 2010 http://hdr.undp.org/en/reports/national/arabstates/egypt/Egypt_2010_en.pdf

486-World Bank 'Sustaining Gains in Poverty Reduction and Human Development in the Middle East and North Africa', 2006



challenges include iron deficiency and anaemia, especially among girls in rural communities. Despite advances in health care, the prevalence of anaemia is actually increasing: between 2000 and 2005, anaemia contracted by children under the age of five years rose from 30 to 49 per cent.⁴⁸⁷ Worryingly, in total, an estimated 1.6 million children under five years of age suffer from health and food deprivation.⁴⁸⁸

2.6 Status of the Right to Health

Expenditure in the health sector as percentage of total public expenditure amounted to 3.8 per cent in 2008.⁴⁸⁹ The government states that health services in public health centres are provided to all mothers and children free of charge or against a nominal fee of one Egyptian pound, and that efforts are made to ensure the participation of refugees. In addition, projects such as the equipping of health centre for women in Al-Hajana, have been designed to enable refugee Sudanese children to receive the requisite vaccinations, are able to register all births of Sudanese children and provide an information network about the frequency of use of the centre have been reportedly implemented.⁴⁹⁰ No data has been found on health indicators of Sudanese refugee children.

HIV/AIDs prevalence rate is less than 0.1 per cent, although actual levels of infection may be higher due to under-reporting. As of 2005, 19 cases of children affected by HIV/AIDs were reported, eight of whom have since died.⁴⁹¹ Adolescent health remains a serious area of concern. Noting the worrisome decrease in awareness among adolescents of HIV/AIDS from 62 per cent (2006) to 30 (2008), the Committee has expressed its concerns at the limited access of children and adolescents to health information. Schools for example are not providing children with sufficient information on reproductive health: a survey in 2009 found that less than 15 per cent of boys and 5 per cent of girls obtained information on puberty in school.⁴⁹² The government also confirms that there is no statistical information on adolescents affected by sexually transmitted diseases, and prevention and advisory services are seriously limited.⁴⁹³

The Committee furthermore, while noting the opening of the first clinic providing adolescent mental health services in Cairo, expressed its concerns that mental health counselling remains close to non-existent. In general, a lack of national data about adolescent, including mental health in Egypt is a barrier to effective programming.

2.7 Status of Child Rights under Emergencies

Egypt is a signatory to the 1951 UN Refugee Convention and its 1967 Protocol, as well as to the AU's 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. Egypt however does not have a national asylum system, and all registration, documentation, and refugee status determination as well as the provision of assistance is carried out by the UNHCR under a framework agreement with the government dating back to 1954.⁴⁹⁴

There is an information gap with regards to the status of child rights under natural disasters or armed conflict. There are indications however that during and after the 2011 January Revolution, children were not sufficiently protected. In its 2011 Concluding Observations, the Committee expressed concerns at reports of excessive use of force by security forces, resulting in the death of

487-Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007 Egypt', CRC/C/EGY/3-4, 4 September 2010

488-UNICEF, 'Child Poverty and Disparities in Egypt: Building the Social Infrastructure for Egypt's Future', 2010

489-Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007 Egypt', CRC/C/EGY/3-4, 4 September 2010

490-Ibid.

491-Ibid.

492-Survey cited in Population Reference Bureau, 'Facts of Life: Youth Sexuality and Reproductive Health in MENA', 2011

493-Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007 Egypt', CRC/C/EGY/3-4, 4 September 2010

494-UNHCR, '2011 UNHCR country operations profile – Egypt', <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486356>



12 children. Injured children moreover were reportedly refused access to health care due to lack of identification.⁴⁹⁵

Egypt's long history of natural disasters – with 23 events recorded between 1980 and 2010 – make emergency preparedness a key child protection instrument.⁴⁹⁶ Egypt is particularly vulnerable to earthquakes, localised flooding and coastal inundations. Disaster risk reduction planning and strategising however is still at nascent stage. In May 2009, a decree on the formation of a national committee for crises and disaster management was issued. With support from the United Nations Development Programme (UNDP), Egypt is developing a national disaster management strategy.⁴⁹⁷ Information on measures envisaged to address children-specific vulnerabilities is not available. Egypt's 2007-2009 report on the implementation of the Hyogo Framework for Action does not refer to child rights or protection.

3 Stakeholder Analysis

3.1 Government Bodies

The National Council on Childhood and Motherhood (NCCM) has a mandate for policy formulation, planning, monitoring, and coordination of child rights programmes.⁴⁹⁸ The NCCM became part of the Ministry of Family and Population, established in 2009. The government has also established a number of institutions to promote child rights, including the Egyptian National Child Rights Observatory within the NCCM, Child Protection Committees, and a National Committee to Combat Violence against Children.⁴⁹⁹ The Ministry of Social Solidarity runs care institutions for orphans, abandoned children, or 'children in danger', providing education, health and leisure services. Other government structures involved in child rights and issues include the Ministry of Culture, which organises seminars on the rights of children with special needs and promotes awareness on child rights through publications such as the 'Rights of the Child' leaflet, the Ministry of Information has also launched a special family and child television channel and has established a family and child committee representing the Broadcasting and Television Council.⁵⁰⁰

3.2 Civil Society

Egypt has one of the most vibrant research and study centres, as well as human rights and women's rights and charitable organisations in the region. Out of the 16,000 civil society organisations (CSOs), nearly 2,200 are active in childhood projects and child rights issues.⁵⁰¹ The capacities of the CSOs vary greatly, although no comprehensive assessment has been carried out. Egypt's Association Law 84/2002, while supportive of CSO through exemption from contract registration fees and various taxes, has been criticised as increasing state control over civil society.⁵⁰²

Leading CSOs working on child rights have been invited to become members of the Technical Consultative Committee of the NCCM as well members of the National Committee for the Elimination of Violence against Children and the Child Protection Committees, with 36 CSOs for example playing an important role in the children's helpline. A large number of organisations work with vulnerable children, such as ASMAE-CARITAS which is offering rehabilitation services to children living in the streets, and the Egyptian Child Rights Centre, which also works with children living in the streets and working children, while the Egyptian Foundation for the Advancement Childhood Conditions is involved in both service provision to vulnerable children and monitoring

495-Committee on the Rights of the Child, 'Concluding Observations: Egypt', CRC/C/EGY/CO/3-4, Advanced Unedited Version, 20 June 2011

496-Data from PreventionWeb, 'Countries and Regions', <http://www.preventionweb.net/english/countries/>

497-UNDP, 'Crisis Prevention and Recovery' <http://arabstates.undp.org/subpage.php?spid=32>

498-For more information on the National Council on Childhood and Motherhood, see www.nccm.org.eg

499-Committee on the Rights of the Child, 'Concluding Observations: Egypt', CRC/C/EGY/CO/3-4, Advanced Unedited Version, 20 June 2011

500-Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007 Egypt', CRC/C/EGY/3-4, 4 September 2010

501-Ibid.

502-UNDP 'Egypt Human Development Report Egypt's Social Contract: the Role of Civil Society', 2008



the implementation of the Convention.

Although there is a fruitful relationship between CSOs and government structures working on child rights, the government admits that partnership “has not reached desired level of maturity”, with CSOs advocating for amendments to the 2002 Revised Associations Law which has restricted CSO activity.⁵⁰³ The Committee has also expressed its concern that Egypt has been relying on CSOs for the provision of social services to vulnerable children, and highlighted the risk that this may reduce the responsibility of the State party as the primary duty-bearer for the realisation of the rights guaranteed under the Convention.⁵⁰⁴

There have also been a number of CSOs and government initiated initiatives to strengthen child participation and adolescent decision-making, for example through Youth Networks and Child Advisory and Youth Boards. However, in general child and youth participation in the development of public policies remains low.⁵⁰⁵ A number of international non-governmental organisations (INGOs) work in Egypt, including Terre des Hommes, Save the Children, and Plan International, the latter runs child empowerment and development projects, including working with children living with disabilities, youth development, reproductive health care, disaster risk reduction, reduction of harmful practices, child labour, and capacity building of local organisations.⁵⁰⁶



503-Committee on the Rights of the Child, ‘Consideration of reports submitted by States parties under article 44 of the Convention Third and fourth periodic reports of States parties due in 2007: Egypt’, CRC/C/EGY/3-4, 4 September 2010

504-Committee on the Rights of the Child, ‘Concluding Observations: Egypt’, CRC/C/EGY/CO/3-4, Advanced Unedited Version, 20 June 2011

505-Ibid.

506-For more information on Plan International’s projects, see <http://www.planegypt.net/%28S%28512e0uve1kqocwr5p3xdyb aa%29%29/Details.aspx?ID=VDhUb5RrOBA%3d>. For information on Terre des Hommes, http://www.tdhegypt.org/tdh_in_egypt.aspx?lan=0, and for Save the Children, <http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.6153121/>





Iraq Country Profile

1. Country Overview

1.1 Demographic Profile

The Republic of Iraq is bordered by Jordan to the west, Syria to the northwest, Turkey to the north, Iran to the east, and Kuwait and Saudi Arabia to the south. The population is estimated at 30.7 million, out of which nearly 14.7 million are under the age of 18, and 4.5 million under 5.⁵⁰⁷ There are over 83,000 international migrants in Iraq (31 per cent women).⁵⁰⁸ The country is host to some 35,000 refugees, including 11,000 of Turkish origin, and 10,000 Palestinians.⁵⁰⁹

The country is divided into 18 governorates out of which 3 constitute the region of Kurdistan. Iraq's population is composed of a majority of ethnic Arabs. Approximately 15–20 per cent are Kurds, and another 5 per cent other ethnicities.⁵¹⁰ As a result of conflict and sectarian violence, 4.6 million persons, representing 15 per cent of the population, have been forcibly displaced within Iraq or in other countries, with an estimated 1.2 million internally displaced before 2006 and 1.55 million since then.⁵¹¹

1.2 Socio-economic Developments

The country's economy relies heavily on the oil sector, which provides over 90 per cent of government revenue. Oil wealth however has not translated into job creation or improved living standards for the majority of the population. As a consequence of successive conflicts, decades of sanctions, and insecurity, service delivery has become unreliable, with only 22 per cent of population being able to solely rely on the public power network for electricity for their housing units, for example.⁵¹² Per capita income averages \$2,320, and over a fifth of the population lives below the national poverty line.⁵¹³ A National Strategy for Poverty Reduction (2010-2014) has been approved, and the Iraq's Public Distribution System (PDS), the country's largest safety net programme for the poor, is being reviewed.

1.3 Political Developments and Human Rights Records

The people of Iraq have experienced decades of political instability, successive conflicts, and political violence which have claimed hundreds of thousands of lives and have caused untold suffering. The country was engulfed in three major wars accompanied by more than a decade of economic sanctions, adversely affecting health and education systems and causing wide-scale damage. On 19 March 2003, foreign forces, led by the United States, invaded and toppled the government of Saddam Hussein. At the end of June 2004, sovereignty was transferred to the Iraqis, and a constitution was approved through public referendum in October 2005. In August 2010, the United States officially ended its seven-year combat operations, reducing the number of transitional troops to just below 50,000, due to leave by the end of 2011. National parliamentary elections, which took place on 7 March 2010, resulted in contested elections and political impasse. Eight months later, Iraq's political parties agreed to form a new coalition government.

The 2005 Constitution of Iraq enshrines fundamental human rights, including with regard to the

507-2009 figures, UNICEF, 'Iraq: Statistics', http://www.unicef.org/infobycountry/iraq_statistics.html

508-2010 figures, United Nations Population Division, 'International Migrant Stock: 2008 Revision' <http://esa.un.org/migration/p2k0data.asp>

509-UNHCR, '2011 UNHCR country operations profile – Iraq' <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486426>

510-Human Rights Council, 'Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin', A/HRC/16/43/Add.1, 16 February 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/108/37/PDF/G1110837.pdf?OpenElement>

511-Ibid.

512-World Bank, Iraq Country Brief, available on World Bank website

513-2010 estimates, Gross National Income per capita, Atlas method (current US\$), Poverty data is from 2007. World Bank, Iraq Data, <http://data.worldbank.org/country/iraq>



rule of law, equality before the law, equal opportunity, privacy, and judicial independence. National institutions to enforce these rights, however, remain weak.⁵¹⁴ Human Rights Watch reports that “human rights conditions in Iraq remain extremely poor, especially for journalists, detainees, displaced persons, religious, and ethnic minorities, women and girls, and persons with disabilities”.⁵¹⁵ Violence, while diminished from its peak in 2006-07, still affects large parts of the country, with an average of 1,000 serious security incidents a month in 2010.⁵¹⁶ Political insecurity hinders efforts to promote reconstruction and recovery and remains an obstacle to the realisation of socio-economic rights of Iraq’s citizens.

1.4 Society and Culture in regards to Children

The Iraqi Constitution illustrates the reciprocal bonds that tie parents and children in Iraq: “Children have right over their parents in regard to upbringing, care and education. Parents shall have right over their children in regard to respect and care especially in times of need, disability and old age”.⁵¹⁷ Although the rights of the child are increasingly a preoccupation of both civil society and the government, decades of war and international sanctions have turned Iraq into one of the worst places for children in the Arab region, with countless children physically and mentally traumatised. A particularly vulnerable group is children living without adequate parental care. An estimated 1.45 million children (nearly one out of ten children) are orphans, defined as having lost one or both parents.⁵¹⁸

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

Iraq acceded to the United Nations (UN) Convention on the Rights of the Child (Convention) on 15 June 1994. Iraq made a reservation with respect to Article 14, “concerning the child’s freedom of religion, as allowing a child to change his or her religion runs counter to the provisions” of *Shariah*. Iraq submitted its initial report on the implementation of the Convention to the Committee on the Rights of the Child (Committee) in August 1996. The second periodic report was due on 14 July 2001, but has yet to be submitted. The Committee issued its Concluding Observations on the initial report in October 1998.

The Iraqi Constitution, approved by a referendum that took place on 15 October 2005 endorses the Convention. However, the upholding of the Convention within a context of high political instability, rampant violence and institution building, has proved challenging for the new government. The ongoing conflict and displacement have put the welfare of all children at risk, particularly those orphaned, and children with special needs, who are probably the most vulnerable of all Iraqis, according to the United Nations Child Fund (UNICEF).⁵¹⁹ In addition, while Iraq has put in place legislative measures and programmes for the realisation of child rights, a number of recommendations made by the Committee have yet to be implemented. Specifically, Iraq has not withdrawn its reservation to Article 14, and has not undertaken “the systematic collection of disaggregated quantitative and qualitative data on the areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children”, as recommended by the Committee.⁵²⁰

514-Ibid.

515-Human Rights Watch, ‘World Report 2011: Events of 2010’, 24 January 2011, Iraq Chapter available at <http://www.hrw.org/en/world-report-2011/iraq>

516-UN OCHA, ‘Regional Response Plan for Iraqi Refugees: 2011’, 28 December 2010

517-Washington Post, ‘Full Text of Iraqi Constitution’, 12 October 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>

518-Iraqi Ministry of Human Rights figures, cited in SOS Children’s Village, ‘Iraq Home to 1.45 Million Orphans’ 13 April 2011, <http://www.soschildrensvillages.ca/News/News/orphan-charity-news/Pages/Iraq-Million-Orphans-001.aspx>

519-UNICEF, ‘UNICEF concerned at conditions for orphans and vulnerable children in Iraq’, 22 June 2007, Amman/Geneva/ New York, available at http://www.unicef.org/infobycountry/media_40071.html

520-Committee on the Rights of the Child, ‘Concluding observations of the Committee on the Rights of the Child: Iraq’, CRC/C/15/Add.9426, October 1998



Iraq acceded to the Optional Protocol of the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Protocol (OPSC) and the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 24 June 2008.

2.2 International and Regional Human Rights Instruments

Iraq has acceded to major UN conventions on human rights, namely the International Covenant on Civil and Political Rights (1971), the International Covenant on Economic, Social and Cultural Rights (1971), the International Convention on the Elimination of All Forms of Racial Discrimination (1970), and the Convention on the Elimination of All Forms of Discrimination against Women (1986).

Iraq has agreed to the 'Cairo Declaration on Human Rights in Islam' issued in 1990 by foreign ministers of countries members of the Organisation of the Islamic Conference (OIC)⁵²¹, a guiding document that does not require ratification. Iraq also signed the (Amended) Arab Charter of Human Rights of the League of Arab States, which was adopted by the Arab Summit in Tunisia in May 2004 and which entered into force on 15 March 2008. The Charter is yet to be ratified by Iraq.

The UN Human Rights Council Universal Periodic Review (UPR) of Iraq was held on 16 February 2010.⁵²² A number of delegations commended Iraq for its efforts to promote child rights, and made recommendations on further measures, including strengthening the educational system and ensuring the provision of adequate food, housing and health services to the most vulnerable families, adopting measures to criminalise the recruitment of child soldier, trafficking and prostitution. Iraq welcomed these recommendations, but did not express its support at the recommendation on ensuring that "national legislation guarantees the rights of boys, girls and adolescents and establishes 18 as the age of adulthood, especially regarding penal responsibility".

2.3 Status of the Right to Protection

Article 29 of the Iraqi Constitution guarantees the protection of children from all forms of violence and abuse in the family, school and society and from economic exploitation.⁵²³ Although there are no detailed studies on the prevalence and forms of violence and abuse, reports suggest that children are not adequately protected. Comprehensive child protection systems, at the national and local levels, are also lacking. A violence against children study is being undertaken by the United Nations Children's Fund (UNICEF) and Save the Children and will shed light on the prevalence and forms of violence against children in the five settings identified by the global United Nations Violence Against Children (UNVAC) study: the home and family; schools and educational settings; care and justice institutions; the workplace; and the community.⁵²⁴ The final report, expected at the end of 2011, will include a mapping of existing formal and informal services available to children to better inform actions required within the existing legal framework to protect children from violence.

Child trafficking is a growing crisis, with officials and aid agencies claiming scores of young people, including babies, are sold both internally and outside of the country.⁵²⁵ Trafficking in girls in and out of the country for sexual exploitation is reported to be widespread, although there have been no comprehensive studies or surveys. There are reports that Iraqi girls, as young as 11 years old, are subjected to conditions of human trafficking within the country and in Syria, Lebanon, Jordan, Kuwait,

521-OIC, 'Cairo Declaration on Human Rights in Islam', 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,3ae6b3822c,0.html>

522-Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: Iraq' A/HRC/14/14, 15 March 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/120/70/PDF/G1012070.pdf?OpenElement>

523-Washington Post, 'Full Text of Iraqi Constitution', 12 October 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>

524-UNICEF, 'An Iraq Fit For Children: Building Iraq's Future Building Future', Quarterly Newsletter Issue 01, 2010 <http://www.uniraq.org/documents/UNICEF%20%27Iraq%20Fit%20For%20Children%27%20Newsletter%20Issue%201.pdf>

525-CBS News.com, 'Crisis in Trafficking Iraqi Children Grows', 6 April 2009, http://www.cbsnews.com/8301-503543_162-4922533-503543.html?source=search_story



the United Arab Emirates, Turkey, Iran, and possibly Yemen for forced prostitution and sexual exploitation within households.⁵²⁶ Anti-trafficking bill is on hold in the parliament, and there are no shelters specifically for victims of sexual exploitation and trafficking or mechanisms for government officials to refer victims to non-governmental organisations (NGOs) offering legal, medical or psychosocial services.⁵²⁷

In general, there are very organisations offering services to children victims of violence and abuse. The NGO Asuda, based in Iraqi Kurdistan, is one of the few organisations offering comprehensive services, including shelter and psycho-social support to women and girls.⁵²⁸

Children are also not protected from corporal punishment. Although children are protected from abuse under the Minors Act, the Juvenile Welfare Act and the Penal Code, these are not interpreted as prohibiting corporal punishment as a 'disciplinary' form of child rearing.⁵²⁹ A UNICEF report published in 2010 states that 85 per cent of children aged 2-14 experienced violent discipline (physical punishment and/or psychological aggression) in their homes in 2005-2006.⁵³⁰ In August 1996, the Government of Iraq informed the Committee that it was aspiring to ensure that school discipline is administered in a manner consistent with the child's human dignity; it further drew attention to the provisions of the school regulations which prescribes, in particular, the adoption of an approach based on counselling and guidance and abstention from the infliction of corporal punishment.⁵³¹ In its Concluding Observations of 1998, the Committee recommended measures, including of a legislative nature, be taken with the aim of prohibiting corporal punishment at all levels of society.⁵³² The Committee also suggested that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity.⁵³³ To date, while there are regulations discouraging corporal punishment in schools, there is no explicit prohibition, and children continue to be vulnerable to violence in schools. A 2008 study found that 48 per cent of teachers in the south region use violence to discipline children.⁵³⁴

Female genital mutilation (FGM) is prevalent, especially in Kurdish areas in Northern Iraq, with an estimated 41 to 73 per cent of girls and women having undergone the procedure.⁵³⁵ In July 2010, a *fatwa* was issued by the Kurdistan Islamic Scholars Union noting that the practice is not prescribed in Islam, but predates it, and discouraging parents from this practice because of the negative health consequences.⁵³⁶ In June 2011, after several years of advocacy by women's groups, Iraq's Kurdistan Regional Parliament passed with great majority a bill that bans FGM as a harmful act.⁵³⁷ Although lighter penalties for 'honour crimes' have been abolished, incidences of violence against women in Kurdistan have been increasing: in 2008, a total of 117 were killed and 333 cases of burning were recorded.⁵³⁸ During

526-US Department of State, '2010 Trafficking in Persons Report', June 2010

527-Ibid.

528-ASUDA Combating Violence against Women, 'Annual Report 2009', 2010

529-Information on this section concerning corporal punishment is extracted from Global Initiative to End All Corporal Punishment of Children, 'Iraq Briefing for the Human Rights Council Universal Periodic Review', 2010

530-Global Initiative to End All Corporal Punishment of Children, 'The Nature and Extent of Corporal Punishment – Prevalence and Attitudinal Research in the Middle East and North Africa', July 2011, <http://www.endcorporalpunishment.org/pages/pdfs/prevalence/MidEast-NorthAfrica.pdf>

531-Committee on the Rights of the Child, 'Initial Report of State Parties due in 1996: Iraq', CRC/C/41/Add.3, 9 December 1996

532-Committee on the Rights of the Child, 'Concluding observations of the Committee on the Rights of the Child: Iraq', CRC/C/15/Add.9426, October 1998

533-Ibid.

534-Save the Children UK, 'Child Rights Situation Analysis in Iraq', 2008

535-Lower estimate is from Human Rights Watch, 'World Report 2011: Events of 2010', 24 January 2011, Iraq Chapter available at <http://www.hrw.org/en/world-report-2011/iraq>; higher estimate from WADI - Association for Crisis Assistance and Development Co-operation, 'Female Genital Mutilation in Iraqi-Kurdistan' 2010

536-Human Rights Watch, 'Iraqi Kurdistan: FGM fatwa positive, but not definitive', 19 July 2010

537-WADI 'Iraq's Kurdistan Regional Parliament Passes a Law to Ban Female Genital Mutilation', 24 June 2011 <http://www.ekurd.net/mismas/articles/misc2011/6/state5209.htm>

538-Human Rights Council, 'National report submitted in accordance with paragraph 15 (A) of the annex to Human Rights



the UPR meeting in 2010, the Iraqi Ministry of Human Rights stated that it was working towards the abolition of article 128 of the Penal Code, on mitigating factors for 'honour crimes'.⁵³⁹

2.4 Status of the Right to Education

The Iraqi Constitution guarantees free education for all Iraqis and the right of parents to educate their children in their mother tongues, such as Turcoman or Assyrian, in government educational institutions, or any other language in private educational institutions, according to educational regulations.⁵⁴⁰ The government explicitly recognises the right to education of IDP children ("IDP children have the right to enjoy the same opportunities that are the privilege and freely accessible to other children") and recognises that IDP student should be assisted to obtain all needed documentation for enrolment.⁵⁴¹ Primary education is compulsory. In 2006, education absorbed 11 per cent of government spending.⁵⁴²

Despite a favourable legislative environment, children have difficulties in realising their education rights. Violence and insecurity, economic hardship and the dilapidated education sector have prevented many children from attending school since 2003, especially in Baghdad and surrounding governorates. Net primary school enrolment ratio for girls is considerably lower than for boys, which stand at 93 per cent and 81 per cent respectively.⁵⁴³

School drop-out is a worrying phenomenon in Iraq, with low net secondary enrolment rates for boys (46 per cent) and girls (33 per cent).⁵⁴⁴ In a 2009 survey of women in Baghdad, Basra, Kirkuk, Najaf and Nineveh, 40 per cent of interviewed women with children reported that their sons and daughters were not attending school, mainly due to high insecurity and transport costs.⁵⁴⁵ A survey in the same year by the UNHCR of IDP communities found that 42 per cent of boys and 57 per cent of girls did not attend schools.⁵⁴⁶ IDPs without residency papers, in particular, find difficulties in enrolling their children in local schools. Poverty is a driving force behind high school drop-out rates amongst IDP children. Those that do study may be exposed to environmental risks: children in nearly half of the primary schools in Iraq are studying in unsafe and unhealthy environment, including unsafe drinking water, according to an UN-backed survey.⁵⁴⁷

2.5 Status of the Right to Survival and Development

Child and infant mortality rates, albeit still high by regional standards, have been declining. Between 1990 and 2009, under-five mortality rate fell from 53 (per 1,000 live births) to 44, while under-one mortality rate fell from 42 to 35 during the same period.⁵⁴⁸ This is in sharp contrast to the situation in the 1990s, when at the height of humanitarian crisis brought about by sanctions and devastations of conflicts, infant mortality rate in South and Central Iraq peaked at 107.⁵⁴⁹

Council Resolution 5/1 Iraq', A/HRC/WG.6/7/IRQ/1, 18 January 2010

539-Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: Iraq' A/HRC/14/14, 15 March 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/120/70/PDF/G1012070.pdf?OpenElement>

540-Washington Post, 'Full Text of Iraqi Constitution', 12 October 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>

541-Iraqi Ministry of Displacement and Migration, 'National Policy on Displacement', 2008, <http://www.ncciraq.org/images/stories/NCCI%20DB/Humanitarian%20Space/IDPsandRefugees/National%20Policy%20final%20gb.pdf>

542-Human Rights Council, 'National report submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1 Iraq', A/HRC/WG.6/7/IRQ/1, 18 January 2010

543-2005-2009 average, UNICEF, 'Iraq: Statistics', http://www.unicef.org/infobycountry/iraq_statistics.html

544-Ibid.

545-Oxfam, 'In Her Own Words: Iraqi women talk about their greatest concerns and challenges', 2009

546-Survey quoted in Human Rights Council, 'Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin', A/HRC/16/43/Add.1, 16 February 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/108/37/PDF/G1110837.pdf?OpenElement>

547-UN News Centre 'UN-supported primary school study reveals major health, safety concerns', 11 March 2009 <http://www.un.org/apps/news/story.asp?NewsID=30753&Cr=Iraq&Cr1=>

548-UNICEF, 'Iraq: Statistics', http://www.unicef.org/infobycountry/iraq_statistics.html

549-UNICEF, 'The Situation of Children in Iraq', 2003, http://www.humanitarianinfo.org/sanctions/handbook/docs_handbook/UNICEF%20-%20Children%20in%20Iraq.pdf



Current rate of anaemia among preschool aged children is extremely high at 78 per cent.⁵⁵⁰ As for the physical development of children under five years of age, 8 per cent suffer from being moderately to severely underweight, 26 per cent suffer from moderate to severe stunting, and 6 per cent from moderate or severe wasting.⁵⁵¹ The main causes behind still high mortality rates are low immunisation rates, prevalence of acute respiratory infections, diarrheal diseases, worsened by pervasive low birth rates, inadequate newborn care, and inadequate infant feeding practices.⁵⁵²

The UN warns that 100 are still infants dying every day, and that 1.5 million under the age of five are undernourished; Iraq is thus not on track to achieve the Millennium Development Goal (MDG) regarding child mortality reduction by 2015.⁵⁵³

2.6 Status of the Right to Health

Article 31 of the Iraqi Constitution guarantees the right to health, and Article 32 guarantees care for the “handicapped and those with special needs and ensure their rehabilitation in order to reintegrate them into society”.⁵⁵⁴ Free health services are provided by health centres and clinics run by the Ministry of Health. The government emphasises that displaced children, including children living with disabilities, have the same rights as those enjoyed by other children, and that special emphasis should be placed on offering integrated health services to all IDPs, particularly to the poorest.⁵⁵⁵

In 2009, healthcare accounted for 6 per cent of total government spending, down from nearly 12 per cent in 2004.⁵⁵⁶ Current investment in health care is not sufficient to reverse decades of neglect and devastating consequences of consecutive wars on health infrastructure. Accessibility and quality of health services remain problematic. In 2009, the Ministry of Health’s National Roundtable on Health identified six priority areas for health sector reform: improving basic health services, strengthening management of the health system, developing and implementing a master plan for reconstruction of the health care delivery system, training and capacity building in public health programmes and management of health services; reforming the pharmaceutical sector; and developing public-private partnerships in the provision of health services.⁵⁵⁷

2.7 Status of Child Rights under Emergencies

Children have greatly suffered throughout the decades of political conflicts and insecurity. Between 2004 and 2007, nearly 1,300 children were killed, and 4,200 injured.⁵⁵⁸ Landmines and explosive remnants of war (ERW) also represent a major threat to Iraqi children, with more than 4,000 parts of the country contaminated, making it one of the most dangerous countries in the world.⁵⁵⁹

An estimated 9 per cent of children and adolescents aged between 10 and 19 years have suffered from war-sustained disability, with the northern governorates sustaining the highest disability rates caused by landmines and unexploded ordnance.⁵⁶⁰ Grave violations have been committed against Iraqi children by various armed groups in Iraq, namely Al Qaida and the Islamic State of Iraq. According to the United Nations

550-World Bank, ‘Nutrition at a Glance: Iraq’, undated

551-2003-2009 figures, UNICEF, ‘Iraq: Statistics’, http://www.unicef.org/infobycountry/iraq_statistics.html

552- UNICEF, ‘Iraq Country Programme Document 2011-2014’, 2010, http://www.unicef.org/about/execboard/files/Iraq_final_approved_CPD_9_Sept_2010.pdf

553-IRIN News, ‘Iraq a Bad Place for Children’ 4 July 2011, <http://www.irinnews.org/report.aspx?reportid=93133>

554-Washington Post, ‘Full Text of Iraqi Constitution’, 12 October 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>

555- Iraqi Ministry of Displacement and Migration, ‘National Policy on Displacement’, 2008, <http://www.ncciraq.org/images/stories/NCCI%20DB/Humanitarian%20Space/IDPsandRefugees/National%20Policy%20final%20gb.pdf>

556-Human Rights Council, ‘National report submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1 Iraq’, A/HRC/WG.6/7/IRQ/1, 18 January 2010

557-World Bank Report, Project Information Document, ‘Second Emergency Assistance Programme for Primary Healthcare No. AB5944’, April 2011

558-Human Rights Council, ‘National report submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1 Iraq’, A/HRC/WG.6/7/IRQ/1, 18 January 2010

559-UNICEF, ‘Update for Partners on the Situation of Children in Iraq’, First Quarter 2008, 2008

560-UNICEF/UNDP, ‘Overview of Landmines and Explosive Remnants of War in Iraq’, June 2009



2010 report on Children and Armed Conflict, children were used in Iraq Al-Qaida in Iraq “to spy and scout, to transport military supplies and equipment, to videotape attacks, to plant explosive devices and to actively engage in attacks against security forces and civilians”.⁵⁶¹ Although difficult to verify, there are reports that children under the age of 14, particularly vulnerable children such as orphans, children living with mental disabilities, and children living in streets, have been scouted into Al Qaida youth wings (‘Birds of Paradise’ also referred to as ‘Paradise Boys’ or ‘Youth of Heaven’) to carry out suicide attacks against military, government and civilian targets. In 2010, at least 194 children were killed and 232 injured as a result of armed conflict, especially in areas such as Baghdad, Ninewa, Kirkuk and Basra. Physical access to many parts of Iraq is severely restricted as a result of security conditions.

In July 2008, the Government of Iraq launched a National Policy on Displacement to “find durable solutions and to set an effective, realistic and comprehensive framework to respond to the needs of the displaced persons regardless of whether their displacement is characterised as protracted or recent”.⁵⁶² The National Policy outlines rights of IDP children, including the right of children to participate (“Vulnerable groups such as women, children, youths and elderly should participate in developing ... strategies, programmes and activities and take part in the decisions that directly affect their lives, taking into consideration the information provided by the displaced persons because they know first-hand the situation on the ground and are, therefore, most fit to determine their actual needs.”) right to non-discrimination, public and social services. This policy document also commits the government to establishing flexible education programme in line with the Minimum Standards for Education in Emergencies, Chronic Crises and Early Recovery (INEE).

3. Stakeholder Analysis

3.1 Government Structures

The first Iraqi Council of Representatives, set up following the 2005 parliamentary elections, has two main functions: law-making and oversight. A number of Committees established by the Council deal with child rights including the Women’s, Families’ and Children’s Committee, the Human Rights Committee, the Education Committee, the Labour and Services Committee, and the Displaced Persons. The Child Welfare Authority (CWA), composed of representatives of government bodies working on child issues, is the main institution responsible for child rights, and has implemented activities such as establishment of Children’s Parliament and Youth Parliament.

The Ministry of Labour and Social Affairs, with support from UNICEF, developed in early 2011, a strategy to deliver essential psychosocial interventions to assist children affected by the conflict and extreme violence in Iraq over the last several years. The Ministry in the Kurdistan region has also been trained on the establishment of a Child Helpline.

3.2 Civil Society

Civil society organisations (CSOs) in Iraq operate in a wide range of areas including women’s rights, child rights, advocacy and service provision. There are an estimated 6,000 CSOs operating in Iraq, and the government reports that activities of these organisations are regulated under Order No. 45 of 2003, and that a new bill is being considered to provide more space and liberties for CSOs.⁵⁶³ In Iraq the National Institute for Human Rights is campaigning for an end to all corporal punishment and educating parents and teachers about alternative forms of discipline.⁵⁶⁴

561-Unless otherwise stated information in this section is extracted from General Assembly, Children and Armed Conflict, A/65/820-S/2011/250, 23 April 2011, available at http://www.un.org/ga/search/view_doc.asp?symbol=A/65/820

562-Iraqi Ministry of Displacement and Migration, ‘National Policy on Displacement’ 2008, <http://www.ncciraq.org/images/stories/NCCI%20DB/Humanitarian%20Space/IDPsandRefugees/National%20Policy%20final%20gb.pdf>

563-Human Rights Council, ‘National report submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1 Iraq’, A/HRC/WG.6/7/IRQ/1, 18 January 2010

564-Global Initiative to End All Corporal Punishment of Children of Children and Save the Children Sweden, ‘Ending Legalised Violence against Children: Global Report 2010’, 2010



The main platform for civil society in Iraq is the NGO Coordination Committee for Iraq (NCCI), which aims to ensure effective assistance and response through a coordination platform that provides relevant and timely information, on-the-ground coordination, coordinated advocacy approaches, and opportunities for the empowerment of the NGO Community in Iraq. International organisations members of NCCI working on child rights and child development include War Child, Handicap International, and World Vision.⁵⁶⁵

565-For a full list of INGOs and NGOs members of NCCI, see http://www.ncciraq.org/index.php?option=com_content&view=article&id=57&Itemid=74&lang=en





Jordan Country Profile

1. Country Overview

1.1 Demographic Profile

The Hashemite Kingdom of Jordan is a lower middle income country, situated on the East Bank of the River Jordan and bordering Saudi Arabia to the east, Iraq to the northeast, Syria to the North, and occupied Palestinian territory to the west. Its population is estimated at 6.3 million. Nearly 2.6 million persons are below the age of 18 and 765,000 below the age of 5.⁵⁶⁶

Jordan's demographic profile has been greatly influenced by an influx of refugees and migrant workers. Although Jordan is not a signatory to the 1951 United Nations (UN) Refugee Convention, it is one of the top refugee-hosting countries in the world. Since 2003, the country has received an estimated 500,000 Iraqis, out of which only 32,700 have registered with the United Nations Refugee Agency (UNHCR) in June 2011 – down from over 52,400 registered in 2008.⁵⁶⁷ Out of the actively registered Iraqi refugees, nearly 33 per cent (over 10,600 persons) are below the age of 18.⁵⁶⁸

Jordan also hosts more than 2 million Palestinian refugees registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).⁵⁶⁹ Of these, approximately 346,000 live in ten official camps. It is estimated that nearly 35 per cent of registered refugees (nearly 700,000) are under the age of 18.⁵⁷⁰ Palestinian refugees, with the exception of 140,000 refugees originally from Gaza, have Jordanian citizenship.

Migrant workers also represent an increasing share of the working force: over a fifth of the working force (nearly 336,000 workers) is composed of migrant workers registered with the Jordanian Ministry of Labour,⁵⁷¹ in addition to which over a hundred thousand workers are reportedly unregistered. The largest group of registered migrant workers are from Egypt (68 per cent) and South East Asia, mainly Indonesia and Sri Lanka.⁵⁷²

1.2 Socio-Economic Developments

Following a decade of strong growth, the Jordanian economy has slowed considerably. Consistent with the global and regional economic downturn, economic growth in Jordan fell sharply from 7 per cent in 2008 to 2 per cent in 2009.⁵⁷³ Jordan has invested over a quarter of its economic output on education, health, pensions, and social safety nets.⁵⁷⁴ Partially due to government allocation to social sectors, human development (HDI) continues to increase – between 1980 and 2010, Jordan's HDI rose by 1 per cent annually, giving the country a rank of 82 out of 169 countries with comparable data.⁵⁷⁵ Per capita income averages \$4,350.⁵⁷⁶ An estimated 13 per cent of population live below the national poverty line: poverty data suggest moreover high regional disparities: the incidence of poverty in Amman for example was 9 per cent in 2006 compared to 23 per cent in

566-2009 figures, UNICEF, 'Jordan Statistics', http://www.unicef.org/infobycountry/jordan_statistics.html

567-UNHCR, 'Statistical Report on UNHCR Registered Iraqis', 30 June 2011

568-Ibid.

569-UNRWA, 'Jordan', <http://www.unrwa.org/etemplate.php?id=66>

570-UNICEF, 'Palestinian Children and Women in Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory Country Programme Document 2011-2013', 2010

571-2008 figures from Jordanian Ministry of Labour, cited in Tamkeen, 'Double Alienation Report on the migrant workers situation in Jordan- 2009' 2010

572-Ibid.

573-International Monetary Fund, 'Jordan: 2010 Article IV Consultation—Staff Report and Public Information Notice', September 2010, <http://www.imf.org/external/pubs/ft/scr/2010/cr10297.pdf>

574-World Bank 'Country Brief', World Bank website, www.worldbank.org

575-UNDP, 'Jordan: Country profile of human development indicators', <http://hdrstats.undp.org/en/countries/profiles/JOR.html>

576-2010 figures, Atlas method (current US\$) World Bank, 'Jordan Data' <http://data.worldbank.org/country/jordan>



Mafraq Governorate.⁵⁷⁷ At least 40 per cent of registered Iraqis in Jordan live below the poverty line.⁵⁷⁸

1.3 Political Developments and Human Rights Record

Jordan is a constitutional monarchy shifting towards democracy. Following the accession to the throne of King Abdullah II in 1999, political and economic reforms have been accelerated. While considerable gains have been in the economic liberalisation front, political reforms have lagged behind. In response to political unrest and protests across the Middle East region, King Abdullah II has initiated a number of political reforms, namely the review of the electoral law, the establishment of national dialogue on socio-political issues, and activating the Anti-Corruption Commission.⁵⁷⁹

Significant steps forward have been made in the protection and fulfilment of human rights in Jordan in recent years, for example through the establishment of an Ombudsman and Human Rights Office of the Public Security Directorate.⁵⁸⁰ Generally, however, the human rights record of the country remains poor. Freedom of expression, association and assembly is undermined by state ownership of media and the penal code which penalises criticism of the king, defamation of government institutions and 'Islamic' values.⁵⁸¹ Arbitrary detentions, torture, and ill treatment in prisons remain widespread. The UN Special Rapporteur on Torture states that the practice of torture persists in Jordan because of a lack of awareness of the problem, and because of institutionalised impunity.⁵⁸²

1.4 Society and Culture in regards to Children

The family is a core institution in Jordanian society, and family ties are an invaluable support mechanism for children. Respect for the views of girls and boys however remains limited owing to traditional societal attitudes towards children within the family and the community at large, according to the UN Committee on the Rights of the Child (Committee).⁵⁸³ Although girls and boys are generally equally cared for in infancy, son preference remains prevalent and gender stereotyping is evident in the socialisation of children from young age.⁵⁸⁴ There is also social stigma against children born out of wedlock; although authorities say the total number is 'negligible', there are reports of children being abandoned by mothers rather than face social stigma or violence from family members looking to salvage the family's 'honour'.⁵⁸⁵ There are also reports that children living with disabilities – estimated to number as high as 230,000⁵⁸⁶ – face social discrimination. The law for the Rights of Individuals with Disabilities was issued in 2007 and guarantees the right of children with disabilities and calls for the development of their skills and capacities. However, mechanisms to enforce the law are still weak, as specialised centres for disabled children are available in limited numbers and only in certain areas with high population rates, such as in Amman, Irbid and Zarqa. However, in remote areas, very few or no centres are available to meet the needs of these children.

577-World Bank and Jordanian Department of Statistics, 'Hashemite Kingdom of Jordan Poverty Update', November 2009

578-UN OCHA, 'Regional Response Plan for Iraqi Refugees: 2011', 28 December 2010

579-World Bank, 'Jordan Country Brief', available at World Bank website www.worldbank.org

Ibid.

580-Committee Against Torture, 'Concluding Observations of the Committee against Torture', Jordan, 2010, available at <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.JOR.CO.2.pdf>

581-A June 1 revision of the penal code increased the penalties for some speech offenses, and the August 29 Law on Information System Crimes extends these provisions to online expression. Article 5 of the 2007 Press and Publications Law requires publications to adhere to 'Islamic values'. Human Rights Watch, 'World Report 2011: Events of 2010', 24 January 2011

582-Human Rights Council, 'Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak Mission to Jordan', A/HRC/4/33/Add.3 5 January 2007

583-Committee on the Rights of the Child, 'Concluding Observations: Jordan', CRC/C/JOR/CO/3, 29 September 2006

584-National Council for Family Affairs, 'Children in Jordan: Situation Analysis 2006/7 – Summary', 2008, pg 35-6, available online at http://www.crin.org/docs/Summary_situation_analysis_jordan_eng.pdf

585-The National, 'The Plight of Jordan's Abandoned Children', 8 August 2010, <http://www.thenational.ae/apps/pbcs.dll/article?AID=/20091109/FOREIGN/711089883/1002/FRONTPAGE>

586-Cited in Osman E.H.M. Nour, 'Child Disability in Some Countries of the MENA Region: Magnitude, Characteristics, Problems and Attempts to Alleviate Consequences of Impairments', <http://iussp2005.princeton.edu/download.aspx?submissionId=50279>



2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

Jordan signed the UN Convention on the Rights of the Child (Convention) on 29 August 1990 and ratified it on 24 May 1991. Upon signature, Jordan expressed its reservations to Articles 14, 20 and 21 of the Convention, which grant the child the right to freedom of choice of religion and concern the question of adoption, due to their variance with the precepts of the Islamic *Shariah*.⁵⁸⁷

Jordan submitted its initial report on the Convention to the Committee on the Rights of the Child (Committee) in May 1993, its second periodic report in August 1998, and its third report in July 2005. Jordan's fourth and fifth periodic reports are due on 22 December 2011. Alternative reports regarding Jordan's implementation of the Convention have been submitted by Child Helpline International, Human Rights Watch, the Global Initiative to End all Corporal Punishment of Children and the National Centre for Human Rights in 2006. The latest Concluding Observations of the Committee were issued on 29 September 2006.⁵⁸⁸

In its 2006 Concluding Observations, the Committee welcomed strategies and plans adopted by Jordan to promote child rights, namely the National Plan of Action for Children for 2004-2013⁵⁸⁹, the Early Childhood Development Strategy 2003-2007 and the National Youth Strategy 2005-2009. The creation of the National Centre for Human Rights in 2002 with dedicated human resources focusing on children's rights was also welcomed, as was Jordan's efforts to meet the needs of refugee children and children seeking asylum within its territory. The Committee however regretted that some of the concerns it had expressed in its previous Concluding Observations had not been addressed, namely the age of criminal responsibility, non-discrimination, protection of children with disabilities, ill-treatment and sexual exploitation. Since the Concluding Observations were issued, Jordan has made progress in developing Child Friendly Budgeting System, with support from the United Nations Children's Fund (UNICEF).⁵⁹⁰

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) was signed on 6 September 2000 and ratified on 4 December 2006, while the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) was ratified on 23 May 2007. Jordan's initial reports on OPSC and OPAC, respectively due in January and June 2009, were submitted in January 2011.

2.2 Regional and International Human Rights Instruments

Jordan has ratified or acceded major UN conventions concerned with human rights, namely: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (1975), the International Convention on the Elimination of All Forms of Racial Discrimination (1974), the Convention on the Elimination of All Forms of Discrimination Against Women (1992), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1991), and the Convention on the Rights of Persons with Disabilities (2008).

Jordan has also signed regional treaties. It agreed to the 'Cairo Declaration on Human Rights in Islam', a declaration of the member states of the Organisation of the Islamic Conference (OIC) adopted in Cairo in 1990, that does not require ratification.⁵⁹¹ Jordan also ratified the (Amended) Arab Charter of Human Rights of the League of Arab States, which entered into force on 15

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

588-Committee on the Rights of the Child, 'Concluding Observations: Jordan, CRC/C/JOR/CO/3, 29 September 2006

589-UNICEF 'Jordan', http://www.unicef.org/jordan/resources_2025.html

590-National Commission for Family Affairs, 'Child Friendly Budgeting Initiative: Issue No. 2', January 2011, <http://www.ncfa.org.jo/Portals/0/publication/Newsletter2.pdf>

591-OIC, 'Cairo Declaration on Human Rights in Islam', 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,3ae6b3822c,0.html>



March 2008.

During the UN Human Rights Council Universal Periodic Review (UPR) of Jordan, held on 11 February 2009, a number of delegations commended the progress made by Jordan regarding children's rights, including the establishment of the National Coalition for Children established in 2007, the implementation of the 2004-2013 National Plan of Action for Children.⁵⁹² Delegations also recommended Jordan to implement recommendations made by the Committee, namely regarding lift reservations to the Convention, reviewing the provisions of the Penal Code with a view to eliminating all provisions for reductions in sentence for crimes committed for 'honour', amending the nationality law (Law No. 7 of 1954) in order to ensure that a Jordanian mother married to a non-Jordanian man has the right to confer her nationality to her children equally and without discrimination, taking further steps to address economic exploitation of children and to prevent and eliminate discrimination, especially against the girl child and disabled children. The delegations also strongly recommended Jordan to strengthen the implementation of the National Plan of Action and to criminalise all forms of violence and to ensure that women and girls who are victims of violence have access to immediate means of redress and protection, and that perpetrators are prosecuted and punished. While Jordan agreed to most of the recommendations made by the delegations, it formally rejected the recommendation to lift the reservations to the Convention, and to consider amending the nationality law.⁵⁹³

2.3 Status of the Right to Protection

In its 2006 Concluding Observations, the Committee welcomed Jordan's strong commitment to prevent and to respond to violence against children, through measures such as the establishment in May 2006, of child protection committees at major public hospitals to investigate suspected cases of child abuse, and implementation, in coordination with non-governmental organisations (NGOs) of multi-sectoral child protection programmes, including the establishment of a safety house, the Dar al-Aman, to provide protection and services for abused and neglected children.⁵⁹⁴

Despite the Penal Code which criminalises violence against children and the many steps taken by Jordan, children continue to be victims of violence. Although severe punishments for perpetrators are provided in relevant laws, including the potential application of the death penalty following conviction for rape of a girl under 15, cases are under-reported due to social taboo and fear. The Committee has also noted with concern the absence of reliable information and data on domestic violence and child abuse in the family. In 2006, out of some 2,400 cases of abuse dealt with by the Family Protection Department, physical abuse accounted for 50 per cent of all cases, followed by sexual abuse (10 per cent) and neglect (37 per cent).⁵⁹⁵ The danger of sexual violence threatens boys as well: in 2009, out of the reported cases of sexual aggression, over 190 involved boys and nearly 230 girls.⁵⁹⁶

Following upon on the recommendations made by the Committee, and in line with the 2004-2013 National Action Plan for Children which aims to (i) decrease psychological or sexual, and neglect, through expanding preventive measures, (ii) develop and improve the quality of services offered in this field, such as shelters, counselling, health, legal and police services, (iii) eliminate child pornography, commercial sexual exploitation of children and trafficking, and (iv) protect children with special needs from discrimination, abuse, exploitation, negligence and violence, Jordan has been implementing a wide array of legislative and programmatic initiatives to protect children from

592-Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: Jordan' A/HRC/11/29 3 March 2009, http://upr-epu.com/files/111/A_HRC_11_JOR_E.pdf

593-A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review is available at <http://www.crin.org/resources/infoDetail.asp?ID=24192&flag=report#dd>

594-Committee on the Rights of the Child, 'Concluding Observations: Jordan', CRC/C/JOR/CO/3, 29 September 2006

595-UNICEF, 'Violence against Children Study in Jordan: Summary 2007', 2007, http://www.unicef.org/jordan/VAC_Study_English_FOR_SCREEN.pdf

596-Committee on the Elimination of Discrimination against Women, 'Fifth periodic report of States parties Jordan', CEDAW/C/JOR/5, 24 September 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/460/23/PDF/G1046023.pdf?OpenElement>



violence, exploitation and abuse. In particular, the Protection from Domestic Violence Law adopted in March 2008⁵⁹⁷ represents an important step in protecting women and children. The amended Criminal Code, 2010, which ensures that perpetrators of so-called ‘honour’ killings can no longer benefit from mitigating circumstances, also represents a significant legislative advance.⁵⁹⁸

Children however continue to be vulnerable to physical violence at home as the new law does not criminalise corporal punishment. Despite repeated recommendations by the Committee to implement an all-inclusive ban of corporal punishment and despite advocacy by child rights organisations, the country has retained Article 62 of the Penal Code, which allows parents to discipline their children ‘in a manner allowed by public customs’.⁵⁹⁹ Corporal punishment is prohibited in schools under the School Discipline Regulation, Instruction No. 4 on School Discipline (1981), issued in accordance with Law No. 16 (1964).⁶⁰⁰ However, a recent study shows that more than one half of children in Jordan experience physical violence in school⁶⁰¹ including corporal punishment. The Committee moreover has recommended Jordan to implement education campaigns about the harmful impact of violent forms of ‘discipline’ and promote positive, non-violent, participatory methods of child-rearing.

Legislative and policy reforms to decrease incidences of trafficking and commercial sexual exploitation are also being implemented. In January 2009, the Jordanian parliament endorsed legislation to combat human trafficking, paving the way for the creation of an anti-human trafficking commission, affiliated to the Ministry of Labour and including officials from the police and Ministry of Justice, to oversee its implementation. A shelter for victims of trafficking is also being set up, and a National Strategy to Combat Human Trafficking was launched in 2010. While welcoming these developments, the Committee against Torture reports that information, including on the number of complaints, investigations, prosecutions and convictions of perpetrators of trafficking, as well as on the concrete measures adopted to prevent and combat such phenomena, are lacking.⁶⁰²

A key obstacle to fighting commercial sexual exploitation in Jordan remains the lack of information on its scope and various manifestations, and the absence of statistics on related crimes.⁶⁰³ Available national statistics do not categorise cases of child trafficking, child prostitution and child pornography and no comprehensive research has been conducted, despite the recommendations of the Committee.

Although employment of children under 16 is unlawful, studies on the prevalence of child labour in Jordan put the number of child labourers between 29,000 and 52,500.⁶⁰⁴ The majority are aged 12-17 and work in car repair, trade, and agriculture. Working children tend to come from disadvantaged families and children of migrants are more likely to become child labourers, and girls from migrant households are more likely to drop out of school. Proposed by-laws will enable labour inspectors to investigate child labour violations in the agriculture sector. The number of businesses fined for child labour violations is low, as are court actions relating to child labour offences.⁶⁰⁵

597-Law available (in Arabic) <http://www.hsph.harvard.edu/population/domesticviolence/domesticviolence.htm>

598-Human Rights Committee, ‘Concluding observations of the Human Rights Committee’, CCPR/C/JOR/CO/4, 18 November 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/467/05/PDF/G1046705.pdf?OpenElement>

599-Global Initiative to End All Corporal Punishment of Children, ‘Briefing on Jordan for the Committee on the Elimination of Discrimination against Women’, June 2011, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/GIEACPC_forPSWG51_Jordan.pdf

600-Ibid.

601-UNICEF, ‘UNICEF chief highlights Jordan’s efforts to tackle violence against children in schools’, 4 March 2009

602-Committee Against Torture, ‘Concluding observations of the Committee against Torture: Jordan’, Advanced Unedited Version, 26 April-14 May 2010 Session, <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.JOR.CO.2.pdf>

603-ECPAT International, ‘Global Report on the status of action against commercial sexual exploitation of children’, 2008, http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-JORDAN.pdf

604-Jordanian Department of Statistics, ‘Working Children in the Hashemite Kingdom of Jordan: Results of the 2007 Child Labour Survey’, 2008; Jordan Times, ‘Thousands of Minors Still Illegally Employed’ 4 May 2009

605-US Department of Labour, ‘Combating Exploitative Child Labour by Promoting Sustainable Livelihoods and Educational



Jordan's 2004-2013 National Plan of Action also includes objectives to rehabilitate and reintegrate working children, conduct research studies, particularly on the worst forms of child labour, offer alternatives for increasing the income of families whose children work, develop national legislation in harmony with international conventions on combating child labour, and raise awareness of child labour issues.⁶⁰⁶ The National Plan aims to eradicate the worst forms of child labour in Jordan by 2013 and to decrease the total number of child labourers. However, Jordan has still not incorporated the Committee's recommendations to extend Labour Law to family enterprises, a sector that contains a variety of occupations that have been classified by Jordan as hazardous child labour.⁶⁰⁷ In 2010, the Human Rights Committee also expressed concerns at reports that child labour is increasing, and that the Labour Code does not provide protection for children working in family enterprises.⁶⁰⁸ With support from the United States Department of Labour and International Labour Organisation (ILO), a \$10 million National Framework on Child Labour is being implemented.⁶⁰⁹

Progress on reducing the phenomenon of early marriage has been limited. The draft personal status law for 2010 maintains *Shariah* judges' authority to allow the marriages of girls between the ages of 15 and 18.⁶¹⁰ Although mean age at first marriage has been steadily increasing, child marriage is still prevalent. Of the nearly 68,000 marriages that occurred in 2008, around 9,000 involved girls between the ages of 15 and 18.⁶¹¹

To address the Committee's concerns regarding the administration of juvenile justice, Jordan is implementing a number of legislative and policy measures. A draft Juvenile Law is being revised to emphasise community-based solutions and alternatives to detention, in line with the Convention which stresses that detention should be a measure of last resort only.⁶¹² A joint European Union-United Nations Office of Drugs and Crime (UNODC) project is being implemented to improve the legislative and institutional capacity of the juvenile justice system in that country through enhancing the capacities of the judiciary to deal more effectively with cases of children in conflict with the law.⁶¹³

2.4 Status of the Right to Education

Children are guaranteed access to education under Article 10 of the Education Act No. 3 of 1994. In its 2006 Concluding Observations, the Committee commended Jordan for providing compulsory and free education (until the age of 16) and for allocating more than a quarter of public expenditure on education. In 2009, the budget of the Ministry of Education constituted 9 per cent of the general budget.⁶¹⁴

Access to education has been consistently improving with gross primary school enrolment rate now reaching 97 per cent for both girls and boys.⁶¹⁵ Public schools under the Ministry of Education

Opportunities for Children in Jordan', 2010

606-Ibid.

607-Committee on the Rights of the Child, 'Concluding Observations: Jordan', CRC/C/15/Add.125, 2 June 2000

608-Human Rights Committee, 'Concluding observations of the Human Rights Committee: Jordan', CCPR/C/JOR/CO/4, 18

November 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/467/05/PDF/G1046705.pdf?OpenElement>

609-ILO, 'Challenges in the Arab World: An ILO response Creating decent work opportunities in the Middle East and North Africa', 2011

610-Euro-Med Gender Equality Programme, 'National Situation Analysis Report: Women's Human Rights and Gender Equality Jordan', 2010

611-Ibid.

612-Laurent Chapuis, UNICEF Middle East and North Africa Regional Office, 'Advancing Child Protection in Jordan, Lebanon, occupied Palestinian territory and Syria', October 2010

613-Commission on Crime Prevention and Criminal Justice, 'National and International Efforts for Child Justice Reform through Improved Coordination of Technical Justice: Report of the Secretary General', E/CN.15/2011/13, 25 January 2011

614-Committee on the Elimination of Discrimination against Women, 'Fifth periodic report of States parties Jordan', CEDAW/C/JOR/5, 24 September 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/460/23/PDF/G1046023.pdf?OpenElement>

615-2005-2009 average, UNICEF 'Jordan Statistics' http://www.unicef.org/infobycountry/jordan_statistics.html



accommodate 70 per cent of total enrolment, the remaining students attending schools run by UNRWA or private schools.⁶¹⁶ As per the recommendations of the Committee, the government has also expressed its commitment to providing remote areas with improved access to good quality education services.⁶¹⁷

While Palestinian refugees have generally good access to educational services, Iraqi refugees have had difficulties accessing education. In its 2006 Concluding Observations, the Committee expressed concern that asylum seeking and refugee children did not enjoy easy access to primary education in Jordan. The next year, public schools in Jordan were directed to accept the enrolment of all Iraqi children by royal decree.⁶¹⁸ In 2008, a directive was issued requiring that Iraqi children without residence permits be allowed to enrol in schools and exempting them from fees for tuition and textbooks.⁶¹⁹ For the 2010/2011 academic year, the government waived public school fees for Iraqis, meaning that all Iraqi children continue to enjoy access to free primary and secondary education.⁶²⁰ Iraqi children in Amman however report that poor quality teaching, physical violence and discrimination at school, from students and teachers are challenges to their educational achievement and well-being.⁶²¹

Although schooling is compulsory, there are few effective measures to prevent student absences, and there are no penalties for guardians who do not send their children to school. Almost 12 per cent of children drop out of school before completing their mandatory schooling.⁶²² In addition to access issues, the Committee has expressed concerns about quality of education offered, namely “school shifts, the lack of schooling facilities and equipment, overcrowded classrooms, under-qualified teachers and inadequate teaching methods”. Quality of education is also problematic in UNRWA schools, where as a result of limited financial resources, many elementary and preparatory schools operate on double shifts.

The National Action Plan for Children aims to address quality issues in public schools through promoting programmes that develop skills of educators, learning resources, and comprehensive curricula that guarantees the development of the student’s skills towards a knowledge based economy. To improve the quality of education and to enhance relevance of skills taught at school, the Ministry of Education with UNICEF support, is introducing life skills-based education.⁶²³ The National Action Plan also calls for improved access of children to pre-school education, with goals of increasing enrolment of 4-year olds from 28 to 50 per cent and of 5-year olds from 47 to 70 per cent by 2013.⁶²⁴ The Plan is in line with the Committee’s 2006 recommendations to increase coverage of early childhood education, including children living in low-income families and families in rural areas.⁶²⁵

2.5 Status of the Right to Survival and Development

Jordan has made advances in reducing child and infant mortality. Under-5 mortality rate (U5MR) decreased from 39 (per 1,000 births) in 1990 to 25 in 2009, and under-one mortality from 32 to 22

616-National Council for Family Affairs, ‘Children in Jordan: Situation Analysis 2006/7 – Summary’, 2008 http://www.crin.org/docs/Summary_situation_analysis_jordan_eng.pdf

617-Human Rights Council, ‘National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1 Jordan’, A/HRC/WG.6/4/JOR/1, 9 February 2009, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/JO/A_HRC_WG6_4_JOR_1_E.PDF

618-Human Rights Watch ‘Jordan: Government Pledges to Grant Iraqis Education Health Rights’, 16 August 2007

619-Human Rights Council, ‘National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1 Jordan’, A/HRC/WG.6/4/JOR/1, 9 February 2009 http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/JO/A_HRC_WG6_4_JOR_1_E.PDF

620-UN OCHA, ‘Regional Response Plan for Iraqi Refugees: 2011’, 28 December 2010

621-Unity Circle Project, ‘Experiences of Iraqi Children and Parents Living in Amman’, Jordan, 2009

622-National Council for Family Affairs and World Bank, ‘Jordan Country Study of Disadvantaged Children’, February 2007

623-Jordan Times, ‘Initiative brings life skills to the classroom’, 13 September 2009, <http://jordantimes.com/index.php?news=19949&searchFor=children>

624-UNESCO, ‘EFA Regional Report for the Arab States: 2011’, 2011

625-Committee on the Rights of the Child, ‘Concluding Observations: Jordan’, CRC/C/JOR/CO/3, 29 September 2006



during the same period.⁶²⁶ U5MR for Palestinian refugees is at a slightly higher rate of 25.⁶²⁷ Immunisation rates have increased throughout the past decades, with vaccinations widely available to all children, regardless of citizenship, in primary health centres hospitals, and mobile vaccination centres for the more remote areas. 95 per cent of under-one infants are immunised against tuberculosis, and 98 per cent against combined DPT (diphtheria, pertussis, and tetanus).⁶²⁸

Areas of concern identified by the Committee, in its 2006 review of Jordan's report, include the low rates of mothers receiving post-natal care and the prevalence of acute respiratory infections, one of the leading causes of death among infants and under-five children, and micronutrient deficiencies, such as iron, Vitamin A and iodine, among children. The Committee also expressed concerns about the low percentage of exclusive breastfeeding by mothers of less than six months old. Progress appears inadequate, with exclusive breastfeeding rate having fallen from nearly 27 (when the Concluding Observations were issued) to 22 per cent.⁶²⁹

2.6 Status of the Right to Health

The Jordanian Constitution guarantees the right to health and the enjoyment of a healthy environment. As a means of safeguarding this right, the Ministry of Health delivers health services to a wide cross-section of the population, including Iraqi refugees who are able to access to public sector health services. Palestinian refugees enjoy free access to UNRWA administered health care centres. The government reports that almost all Jordanians enjoy access to free primary health care.⁶³⁰ Iraqis also continue to enjoy access to public primary health services on the same basis as uninsured nationals.⁶³¹

However, in its 2006 Concluding Observations the Committee expressed concern at *de facto* discrimination against children living in remote areas and questioned whether the resources allocated for the delivery of basic services like healthcare were sufficient to meet the needs of vulnerable children outside the capital. The Committee also made a number of recommendations regarding access to healthcare of children living with disabilities and improving public awareness on transmission, prevention, and treatment of HIV/AIDS.

Recognising that people living with difficulties have limited access to good quality healthcare and taking into consideration the Committee's recommendations to allocate more resources to services for children living with disabilities, the National Disability Strategy⁶³², developed in 2007, aims, amongst others, to integrate disability diagnosis and follow-up services within primary health care in provincial centres, adapt medical transfer system that ensures easy access to quality medical care, and providing counselling to families with disabled members through the primary health care centres, support community rehabilitation systems and train health workers. No information was found on the extent to which accessibility of disabled children to health care has increased since the National Disability was adopted.

HIV/AIDS prevalence rate in Jordan is low: as of 2008, 33 cases of children have been diagnosed with HIV/AIDS.⁶³³ Jordan has increased public awareness activities on HIV/AIDS targeting community leaders and adolescents for example, but it is possible that the actual number of cases is under-reported or undetected. Mental health is also increasingly recognised as a health challenge, especially amongst Palestinian refugee adolescents. A survey of 13-15 year olds in UNRWA schools

626-UNICEF 'Jordan Statistics' http://www.unicef.org/infobycountry/jordan_statistics.html

627-UNICEF, 'Palestinian Children and Women in Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory Country Programme Document 2011-2013', 2010.

628-Ibid.

629-Ibid.

630-World Health Organisation, 'Country Profiles: Jordan', <http://www.emro.who.int/emrinfo/index.asp?Ctry=jor>

631-UN OCHA, 'Regional Response Plan for Iraqi Refugees: 2011', 28 December 2010

632-For more information, see Higher Council for the Affairs of Persons with Disabilities, <http://www.hcd.gov.jo/englishsite/str2.htm>

633-Jordanian Ministry of Health, 'Annual Report', 2008, at <http://www.dcd.gov.jo/images/Upload/y2008.pdf>



in Jordan has revealed that 21 per cent of students have seriously considered suicide over the past 12 months prior to the survey.⁶³⁴

2.7 Status of Child Rights under Emergencies

Jordan is not a signatory to the 1951 UN Refugee Convention and the 1967 Protocol. However, the country signed in 1988 a Memorandum of Understanding in accord with the major principles of international protection, such as the definition of a refugee and the obligation of state parties. Jordan has not developed comprehensive national refugee legislation and asylum-seeking administrative procedures, and UNHCR reports that the lack of legal status remains the main protection challenge for refugees and asylum-seekers.⁶³⁵

National disaster risk reduction planning is at a nascent stage in Jordan, a water-scarce country prone to drought. Two of its cities – Amman and Aqaba, located at the Dead Sea Fault Line – may also be vulnerable to earthquakes in the future. With support from United Nations Development Programme (UNDP), a disaster risk management unit is being established under the Aqaba Special Economic Zone.⁶³⁶ The DRR school assessment project, which was completed in August 2011, implemented by Save the Children in collaboration with (and funded through) UNICEF will propose a follow-on project to work on DRR in schools in high risk areas, using child-focused mechanisms. Save the Children's current Asylum and Migration project addresses rights and protection mechanisms for refugee children. In general, further research is needed to better assess mechanisms in place to protect the rights of the child during emergencies in Jordan.

3. Stakeholder Analysis

3.1 Government structures

A number of government ministries and agencies impact on the implementation of children's rights in Jordan. The Ministry for Social Development is one of the most important stakeholders, as it is responsible for regulating the provision of out-of-home care to orphaned and abandoned children, and for overseeing fostering arrangements. The Ministry of Labour maintains a specialised child labour, and several bodies including the Public Security Department of the Ministry of Interior, the Ministry of Justice, and the Ministry of Social Development are involved in juvenile justice issues. The Ministerial Committee on Trafficking, composed of representatives from the Ministries of Foreign Affairs, Health, Justice, Labour, Social Affairs, Trade and Industry, and the Public Security Department, coordinates Government of Jordan's anti-human trafficking efforts.⁶³⁷

3.2 Civil Society

There are a growing number of charitable associations, non-governmental organisations (NGOs) and foundations working with children in Jordan, the majority of which benefit from royal patronage, with Queen Rania Al Abdullah being a key child rights advocate, and UNICEF's first Eminent Advocate for Children. The largest organisations are the Jordanian Hashemite Fund for Human Development, the Jordanian Alliance against Hunger, and the Jordan River Foundation.

There are at least 20 charitable associations working on child development, the majority of which run programmes for orphans, including Ramtha Orphans Charitable Society, Ma'an Orphans Charitable Society, and Tafleh Children Charitable Society.⁶³⁸ Field research is needed to assess whether these associations have codes of conduct on child protection and whether they respect minimum standards for the provision of support to children without adequate parental care. International non-governmental organisations (INGOs) working in Jordan include Save the

634-UNRWA, 'The Annual Report of the Department of Health: 2010', 2011

635-UNHCR '2011 UNHCR country operations profile – Jordan', <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486566>

636-UNDP, 'Crisis Prevention and Recovery', <http://arabstates.undp.org/subpage.php?spid=32>

637-US Department of Labour 'Findings on the Worst Forms of Child Labour', 2009

638-List of organisations is provided in Comprehensive Guide to Civil Society Organisations website, <http://www.civilsociety-jordan.net/en/index.php/specialized-org/child-a-orphas-care-organisations>



Children, which recently completed an education project *Ta'leem* for Iraqi and Jordanian children and adolescents. Save the Children also runs many other programs in early childhood education, youth development and child labour.

Civil society organisations (CSOs) are regulated by the Law on Societies of 2008 and must register with the Ministry of Social Development. The law is relatively restrictive, allowing the Ministry the right to reject applications to register an organisation or to receive foreign funding for any reason, in addition to which the law give the Ministry significant control over management of associations, including when board meetings are held.⁶³⁹

639-US Department of State, '2010 Country Reports on Human Rights Practices', 8 April 2011, Jordan Country Report available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154464.htm>





Kuwait Country Profile

1. Country Overview

1.1 Demographic Profile

The State of Kuwait is situated in the northeast of the Arabian Peninsula, and is bordered by Saudi Arabia and Iraq. Kuwait has a population of nearly 3 million, out of which 817,000 are below 18 years of age and 254,000 below 5.⁶⁴⁰ Over two thirds of the population are composed of foreign nationals.

An estimated 93,000 persons in Kuwait remain stateless persons (called 'Bidoon'),⁶⁴¹ despite a number of draft proposals and bills which have been prepared over the past few years to resolve the issue of statelessness. Human Rights Watch reports that stateless persons have remained in legal limbo for the past fifty years, and have been denied classified as 'illegal residents' for the past two decades.⁶⁴² In its 2011 Concluding Observation, the United Nations (UN) Committee against Torture also expressed its concerns regarding the discrimination and ill-treatment of Bidoon, and recommended that Kuwait facilitate their regularisation and integration.⁶⁴³

1.2 Socio-Economic Developments

The massive growth of the oil industry has transformed Kuwait into one of the richest countries in the world and has contributed to significant improvements in socio-economic indicators. In 2008/2009, the State allocated 5 per cent of its budget to health care, and 14 per cent to education. The population enjoys an average per capita national income of \$43,920.⁶⁴⁴ Kuwait has achieved a high Human Development Index (HDI), ranking 47 out of 169 countries with comparable data.⁶⁴⁵ However, youth unemployment remains relatively high at 11 per cent.⁶⁴⁶

1.3 Political Developments and Human Rights Records

Kuwait is a constitutional hereditary emirate ruled by the Al-Sabah family, which governs in consultation with the elected National Assembly. Kuwait has long enjoyed relative political stability; this situation survived even during the Iraqi invasion of 2 August 1990 and its occupation by Iraqi forces up to February 1991.

Kuwait has made progress in promoting civil and political rights. In 2006, the Kuwait Parliament approved a new publication law that permits the licensing of new daily newspapers and prohibits the imprisonment of journalists before a judicial decision is reached. In the same year, the Higher Constitutional Chart abolished the Civil Societies Law that mandates that security authorities must approve any public meeting where public issues are addressed.⁶⁴⁷ The right to vote was extended to women in 2006; however, women continue to face *de jure* and *de facto* discrimination, particularly with regards to the personal status law, their participation in the political decision-making process, and nationality law, which denies women married to non-Kuwaiti men to pass their nationality to their children. Amnesty International also reports that serious human rights problems continue to

640-2009 figures, UNICEF, 'Kuwait Statistics', http://www.unicef.org/infobycountry/kuwait_statistics.html

641-UNHCR, 'Kuwait 2011 Regional Operations Profile - Middle East', <http://www.unhcr.org/pages/49e4865f6.html>

642-Kuwait's Bidoon population originates from three broad categories: 1) those whose ancestors failed to apply for nationality or lacked necessary documentation at the time of Kuwait's independence in 1961; 2) those recruited to work in Kuwait's army or police force during the 1960s who permanently settled in Kuwait, along with their families; and 3) children of Kuwaiti mothers and stateless or foreign fathers.

643-Committee against Torture, 'Concluding observations of the Committee against Torture: Kuwait', Advanced Unedited Version, Forty-sixth session, 9 May-3 June 2011

644-2007 estimates, Gross National Income per capita, Atlas Method, Current US\$, World Bank 'Kuwait Statistics' <http://data.worldbank.org/country/kuwait>

645-2010 ranking, UNDP, 'Kuwait Country profile of Human Development Indicators', <http://hdrstats.undp.org/en/countries/profiles/KWT.html>

646-2005 estimates, World Bank 'Kuwait Data', <http://data.worldbank.org/country/kuwait>

647-Information extracted from UNDP, 'Arab Human Rights Index' <http://arabhumanrights.org/en/countries/country.aspx?cid=8>



persist in Kuwait, including restraints to freedom of expression and association, persistent gender discrimination, and inadequate protection of foreign migrant workers.⁶⁴⁸ Human Rights Watch also reports that systemic abuses continue against marginalised populations, including migrant domestic workers, who remain excluded from standard labour protections for other workers, and stateless Bidoon.⁶⁴⁹

1.4 Society and Culture in regards to Children

The Kuwaiti society values families that have high number of children, and the patriarchal nature of the society sets different expectations for girls and boys. In general, children are not perceived as rights holders in Kuwaiti society, and this constitutes an impediment to children's participation in the public sphere and their ability to have their voices heard in decision-making at the family, community and policy levels.

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

The United Nations (UN) Convention on the Rights of the Child (Convention) was signed by Kuwait on 7 June 1990, and ratified on 21 October 1991.⁶⁵⁰ Upon signature, Kuwait expressed a general reservation on all provisions of the Convention that are incompatible with the laws of Islamic *Shariah* and the local statutes in effect. Upon ratification, it expressed declaration on Article 7 (“The State of Kuwait understands the concepts of this article to signify the right of the child who was born in Kuwait and whose parents are unknown to be granted the Kuwaiti nationality as stipulated by the Kuwaiti Nationality Laws”), Article 21 (“The State of Kuwait, as it adheres to the provisions of the Islamic *Shariah* as the main source of legislation, strictly bans abandoning the Islamic religion and does not therefore approve adoption”).

The country submitted its initial report to the Committee on the Right of the Child (Committee) in August 1996. Its second periodic report was due on 19 November 1998, and Kuwait finally submitted the report on 30 July 2010.⁶⁵¹ No alternative report was prepared. The Committee issued its Concluding Observations on the initial periodic report in June 1998.⁶⁵² Upon review of the initial periodic report on the implementation of the Convention, the Committee identified a number of legislative gaps related to the protection of children from violence, abuse, and neglect. Although a series of legislative measures have been made and programmes put in place in the past decade, the majority of the recommendations of the Committee on child protection have yet to be fully addressed by Kuwait. Most notably, Kuwait has not followed the recommendation of the Committee to withdraw its reservations on Articles 7 and 21, and has not fully ensured that the provisions and principles of the Convention are fully reflected in law.

Kuwait acceded to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) and the Optional Protocol to the Convention of the Rights of the Child on the Sale of Children in Child Prostitution and Child Pornography on 26 August 2004.⁶⁵³ Kuwait submitted its initial reports on the OPAC and OPSC in January 2007. An alternative report was prepared by Child Helpline International in 2007.⁶⁵⁴ The Committee issued its Concluding Observations on the two reports in February 2008.

648-Amnesty International ‘Annual Report 2011: The State of the World’s Human Rights’, 2011

649-Human Rights Watch, ‘Kuwait Abuses against Marginalized Groups’, 24 January 2010

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

651-United Nations Treaty Collection, Reporting Status <http://www.unhchr.ch/tbs/doc.nsf/NewhvVAIISPRByCountry?OpenView&Start=1&Count=250&Expand=92.6#92.6>. A copy of this report is not available on United Nations High Commissioner Website.

652-Committee on the Rights of the Child ‘Concluding Observations: Kuwait’, CRC/C/15/Add.96 26 October 1998

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

654-Child Helpline International and Member Helplines ‘47th Session – Kuwait Recommendations to the UN Committee on the Rights of the Child’ September 2007



2.2 Regional and International Human Rights Instruments

Kuwait has acceded to the following UN conventions on human rights: the International Convention on the Elimination of All Forms of Racial Discrimination (1968), two Covenants on Civil and Political Rights; on Economic, Social and Cultural Rights (1996), the Convention on the Elimination of All Forms of Discrimination Against Women (1994), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1994).

Kuwait agreed to the ‘Cairo Declaration on Human Rights in Islam’, a 1990 guiding document issued by the Organisation of the Islamic Conference (OIC).⁶⁵⁵ The document, which is not subject to ratification, includes an article on childcare (“of the moment of birth, every child has rights due from the parents, the society and the state to be accorded proper nursing, education and material, hygienic and moral care”). Kuwait also acceded to the League of Arab States’ (Amended) Arab Charter of Human Rights which entered into force in March 2008, but did not ratify it.⁶⁵⁶

During the first UN Human Rights Council Universal Periodic Review (UPR) of Kuwait, held in May 2010, a number of delegations welcomed efforts made by Kuwait to ensure protection of children, and urged the country to implement the recommendations made by the Committee.⁶⁵⁷ Kuwait accepted recommendations, amongst others, on: introducing legislation to prohibit corporal punishment, establishing an independent national human rights institution to deal with human rights issues, including those related to child rights, setting up programmes to rehabilitate juvenile offenders and reforming juvenile justice law. However, Kuwait categorically rejected recommendation to ensure gender equality in Nationality Law and to implement measures to penalise violence against women and girls in all forms, including domestic violence and rape.

2.3 Status of the Right to Protection

The Constitution of Kuwait stipulates that the family is the foundation of society and Article 10 commits the State to safeguarding children against exploitation and moral, physical and spiritual neglect.⁶⁵⁸ A number of articles in the Criminal Code protect children from sexual exploitation and neglect. Articles 166 and 167 of the Penal Code prescribe penalties for family providers who fail to fulfil their obligations towards the members of their family, especially those less than 14 years of age.⁶⁵⁹ Articles 186 and 187 punish exploitative sexual intercourse with minors.

Despite a general recommendation by the Committee to develop systematic collection of disaggregated data on all children, data on children in need of protection, such as those who are victims of abuse or ill-treatment, children with no residence permit, children in conflict with the law, the girl child, children born out of wedlock, abandoned children, institutionalised children and those with disabilities, this remains a serious gap. Upon its review of the initial periodic report on the OPSC in 2008, the Committee has also expressed its regret that there is limited reliable information on the extent of sale of children, child prostitution and child pornography.

Positive developments include a special police force, which has been established to investigate offences by or against neglected minors. A ministerial decision was also issued by Ministry of Health in 2008-2009 ordering all doctors to report cases of physical, sexual and psychological abuse. Subsequently, health committees were set up in the regions to monitor and follow up on any cases that might be found.⁶⁶⁰ The extent to which such cases are investigated, sanctions

655-OIC, ‘Cairo Declaration on Human Rights in Islam’, 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,3ae6b3822c,0.html>

656-The Charter is available at <http://www.unhcr.org/refworld/docid/3ae6b38540.html>

657-Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review: Kuwait’, A/HRC/15/15, 16 June 2010

658-Committee on the Rights of the Child, ‘Initial reports of States parties due in 2006: Kuwait’, CRC/C/OPSC/KWT/1, 20 April 2007

659-Committee on the Rights of the Child, ‘Initial reports of States parties due in 1993: Kuwait’, CRC/C/8/Add.35, 9 December 1996

660-Human Rights Council, ‘National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights



applied to perpetrators and publicity given to decisions taken in such cases is still limited. Available information suggests that country has still not developed comprehensive systems for detecting and investigating cases of child abuse, and providing referrals for consultation and the rehabilitation of abused children, and domestic violence is still not criminalised. Further research is needed on the extent to which the provisions of the Draft Children's Code and draft bill to amend the Penal Code will effectively protect children from violence.

Furthermore, Kuwait has still not implemented the Committee's recommendation to develop legislation to prohibit corporal punishment in schools, in the family and other institutions. The Global Initiative to End All Corporal Punishment of Children reports on the legality of corporal punishment of children in the family home and all other settings, including under Islamic law.⁶⁶¹ Article 29 of Law No. 16 provides for the 'right' of parents to discipline children and legal provisions against violence and assault are not interpreted as prohibiting all corporal punishment.⁶⁶² Surveys indicate that the majority of parents, especially those of Bedouin ethnicity or lower educational level, agree with physical punishment as a means of child disciplining⁶⁶³, illustrating the need to conduct public awareness campaigns on alternative disciplinary measures. While corporal punishment is unlawful as a sentence for crime under articles 6 and 14 of the Juvenile Law and article 31 of the Constitution, there is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions. A statute dating back to the 1960s prohibits all forms of corporal punishment by teachers or school principals.⁶⁶⁴ However, there is very limited information on the applicability of this statute. There are reports by the Kuwait Ministry of Education that violence in school, including the use of corporal punishment by teachers, has been increasing in all six governorates the country, with nearly 29,000 cases of violence registered.⁶⁶⁵ New measures are being put in place to address this, including the dissimulation of short anti-violence films in schools, and the establishment of a centre to help students suffering from violence and.⁶⁶⁶

In addition, the country has not developed a specific legislation to prevent, combat and criminalise human trafficking, including child trafficking. In 2011, the Committee against Torture expressed its concerns regarding the lack of information on trafficking in persons, particularly the number of complaints, investigations, prosecutions and convictions of perpetrators of trafficking, and the lack of information on practical measures adopted to prevent and combat such phenomena, including medical, social and rehabilitative measures.⁶⁶⁷

Orphans are taken care of in nursery schools or through families willing to host them according to the provisions of Islamic law (*kafalab*). Decree Law N. 82 of 1977, concerning family, provides financial incentives for families to host orphans and children of unknown parentage: such families are entitled to financial assistance to enable them to meet needs of children in their care.⁶⁶⁸ The Ministry of Social Affairs and Labour's Department of Foster Care states that parents must meet stringent criteria in order to be able to foster orphans.⁶⁶⁹ However, no information was found on standardisation of alternative care.

Council resolution 5/1: Kuwait', A/HRC/WG.6/8/KWT/1, 22 February 2010

661-Human Rights Council 'Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 Kuwait' A/HRC/WG.6/8/KWT/3, 28 January 2010

662-Global Initiative to End All Corporal Punishment of Children 'Kuwait Country Report', December 2010, available at <http://www.endcorporalpunishment.org/pages/pdfs/states-reports/Kuwait.pdf>

663-Global Initiative to End All Corporal Punishment of Children 'Ending Legalised Violence against Children: Report for the Middle East and North Africa Regional Consultation', 2005

664-Committee on the Rights of the Child, 'Summary Record of the 498th meeting held on 29th September 1998, Consideration of Reports of State Parties, Initial Reports on the CRC submitted by Kuwait', CRC/C/SR.490, 21 December 1998

665-Gulf Kuwait 'Kuwaits education ministry takes steps to tackle school violence' 11 April 2011

<http://gulfnews.com/news/gulf/kuwait/kuwait-s-education-ministry-takes-steps-to-tackle-school-violence-1.790573>

666-Ibid.

667-Committee against Torture, 'Concluding observations of the Committee against Torture: Kuwait', Forty-sixth session, 9 May-3 June 2011, Advanced Unedited Version

668-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Kuwait', A/HRC/WG.6/8/KWT/1, 22 February 2010

669-Kuwait Times, 'Fostering provides best care for orphans', 30 September 2009



The minimum legal age for marriage remains 15 for girls and 17 for boys, despite the recommendation of the Committee to increase legal age for girls. Girls younger than 15 continue to marry within some tribal groups, especially in rural communities, and the Ministry of Justice estimates the incidence of underage marriage from 2 to 3 per cent of total marriages.⁶⁷⁰

2.4 Status of the Right to Education

Article 13 of the Kuwaiti Constitution guarantees the right to education.⁶⁷¹ Primary and secondary education is compulsory and universal, and education is free to Kuwaiti citizens from kindergarten through to university level. The government provides free kindergartens for Kuwaiti children between the ages of four and six. Spending on education accounted for 14 per cent of the State budget in 2008.⁶⁷²

The country reports a high rate of 76 per cent of gross pre-school enrolment.⁶⁷³ The average gross enrolment rate in the primary level was 96 per cent for boys and 95 girls.⁶⁷⁴ Access to education of vulnerable groups of children has also been enhanced. Since 2003, the Ministry of Education approved extension of free basic education to children of Bidoon parents, through setting up a Charitable Fund, overseen by Ministry of Education, Public Foundation for Endowments and the Executive Committee for the Affairs of Irregular Migrants, to subsidise education. In 2008/09, a total of 20,096 such children were provided with an education, at a total cost of \$15 million.⁶⁷⁵ However, in interviews with Human Rights Watch, some Bidoon parents reported that their children were not covered through the government-administered educational fund, and that their children may also be denied birth certificates needed to attend primary and secondary school.⁶⁷⁶ The government also reports that it provides comprehensive education services and integrates persons with disabilities into the general education system or else establishes special schools for them.⁶⁷⁷ The Higher Council for Disabled Affairs also subsidises private school fees for children living with disabilities if their subject of study is not offered at Ministry of Education schools.⁶⁷⁸

While access has considerably improved, the quality of education remains problematic. In July 2009 the World Bank warned that if the government does not reform the education system, international academic institutions may cease to recognise Kuwaiti high school certificates: one of the key concerns is the number of school days: the state system averaged just 528 teaching hours in 2005/06, well below the standard average of 800 hours of primary-level education per year.⁶⁷⁹

2.5 Status of Right to Survival and Development

Primary health care and preventive health services for children are provided to reduce infant and child mortality rates. Considerable progress has been made, with child mortality dropping from 128 (per 1,000 live births) in 1960 to 10 in 2009, and infant mortality dropping to 8 in 2009.⁶⁸⁰ 98.7 per

670-US Department of State, '2010 Country Reports on Human Rights Practices', 8 April 2011, Kuwait Country Report available at: <http://www.state.gov/documents/organization/160074.pdf>

671-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Kuwait', A/HRC/WG.6/8/KWT/1, 22 February 2010

672-Ibid.

673-UNESCO, 'EFA Regional Report for the Arab States: 2011', 2011

674-2009 figures, UNICEF, 'Kuwait Statistics', http://www.unicef.org/infobycountry/kuwait_statistics.html

675-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Kuwait', A/HRC/WG.6/8/KWT/1, 22 February 2010

676-Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness', June 2011, <http://www.hrw.org/en/node/99554/section/3>

677-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Kuwait', A/HRC/WG.6/8/KWT/1, 22 February 2010

678-Ibid.

679-Oxford Business Group 'Economic Update Kuwait: Testing Times for Education', 21 September 2010, http://www.oxfordbusinessgroup.com/economic_updates/kuwait-testing-times-education

680-2009 figures, UNICEF 'Kuwait Statistics', http://www.unicef.org/infobycountry/kuwait_statistics.html, and 1960 statistics from Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Kuwait', A/HRC/WG.6/8/KWT/1, 22 February 2010



cent of Kuwaiti children receive a full range of vaccinations.⁶⁸¹

In its 1998 Concluding Observations, the Committee expressed its concerns regarding the prevalence of malnutrition, high rates of maternal mortality and the limited access to health services in remote rural areas.

2.6 Status of the Right to Health

Kuwait is committed to providing free health care, which is recognised as a human right under articles 10, 11 and 15 of the Kuwaiti Constitution. Health is allocated 5 per cent of total state budget.⁶⁸²

The government states that the country is committed to providing government health-care services as a human right to all residents (free of charge for citizen, token fees for expatriates).⁶⁸³ A government administrated charitable fund has also been established to serve the health needs of 60,000 children of Bidoon parents.⁶⁸⁴

However, reproductive health and lifestyle issues affecting adolescents are not adequately addressed. The Committee has expressed its concern about the lack of comprehensive data and information on the health status of adolescents in general, especially with regard to drug and substance abuse, sexually transmitted diseases and HIV/AIDS, teenage pregnancy, violence and suicide among young people, and by the lack of treatment and rehabilitation services.

2.7 Status of Child Rights under emergencies

Very limited information was found on the status of the right to protection and education of children under emergencies. Under Article 25 of the Constitution, the State is required to demonstrate social solidarity by assuming the costs of public disasters and compensating those who suffer injury in war or while performing military service.⁶⁸⁵

3. Stakeholder analysis

3.1 Government Structures

In 2007, the Higher Council for the Family and Children was established to deal with child rights issues. There is very little information available on the effectiveness of the Council, and the extent to which it coordinates with decentralised structures and civil society organisations on child rights issues. Institutions that are engaged in the field of childhood are Department for Women and Children, the Department of Family Care and its Children's Home, and the Department of Juvenile Welfare, Public Authority for Minor's Affairs acts as a trustee for minors without a legal guardian or who are orphaned, protecting their assets.⁶⁸⁶

3.2 Civil Society

Civil society is growing in Kuwait, with over 140 non-governmental organisations (NGOs) registered as of 2009. More than half are charitable organisations, either targeting specific groups (women, persons living with disabilities), and socio-cultural or occupational associations. Many of these organisations are funded by the government: in one financial year, these associations received over \$17 million in the form of annual subsidies.⁶⁸⁷

681-Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness', June 2011, <http://www.hrw.org/en/node/99554/section/3>

682-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Kuwait', A/HRC/WG.6/8/KWT/1, 22 February 2010

683-Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness', June 2011, <http://www.hrw.org/en/node/99554/section/3>

684-Ibid.

685-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Kuwait', A/HRC/WG.6/8/KWT/1, 22 February 2010

686-Ibid.

687-Ibid.



Although the law permits the existence of NGOs, registered organisations are not permitted to engage in overtly political activity, and bureaucratic procedures restrict the establishment of NGOs. In 2010, there remained 149 NGOs pending licensing by the Ministry of Social Affairs and Labour, and many have been waiting years for approval; there are also dozens of unlicensed civic groups, clubs, and unofficial NGOs in the country.⁶⁸⁸ The only local independent NGO that are rights based are Kuwait Human Rights Society and the Kuwaiti Society for Fundamental Human Rights. However, to which extent these organisations integrate child rights issues in their monitoring and advocacy work needs further investigation. The Kuwait Society for Children's Rights works specifically on child rights, although more information is needed on their rights-based work.

688-US Department of State, '2010 Country Reports on Human Rights Practices', 8 April 2011, Kuwait Country Report available at: <http://www.state.gov/documents/organization/160074.pdf>





Lebanon Country Profile

1. Country Overview

1.1 Demographic Profile

The Republic of Lebanon, on the eastern shore of the Mediterranean Sea, is bordered by Syria to the north and east and Israel to the south. Lebanon is home to 4.2 million persons, out of which 1.3 million are below the age of 18 and 322,000 below the age of 5.⁶⁸⁹ 95 per cent of the population are Arab and 5 per cent Armenians or other ethnic groups.⁶⁹⁰

There are an estimated 758,000 international migrants, out of which nearly half are women, mainly domestic workers.⁶⁹¹ More than 80 per cent of the 9,000 refugees and asylum seekers registered with the United Nations Refugee Agency (UNHCR) are from Iraq.⁶⁹² An estimated 427,000 Palestinian refugees are registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), out of which 226,000 live in camps.⁶⁹³ The Palestinian refugee population in Lebanon is estimated to be young, with more than 45 per cent of refugees under the age of 18.⁶⁹⁴ In addition to Palestinians, there are reports that 80,000 stateless persons (among them Kurds, Bedouins, and those that were unregistered at birth, including children born out of wedlock) reside in Lebanon.⁶⁹⁵

1.2 Socio-Economic Developments

Lebanon is a small, upper middle-income, with per capita income averaging \$9,020.⁶⁹⁶ Since the Taef Accord, which put an end to the civil war that tore apart Lebanon (1975-2000), considerable progress has been made in reviving the economy and in raising living standards. Despite strong economic growth rates, of an impressive 7.5 per cent in 2010,⁶⁹⁷ and relatively high spending of 21 per cent on social services⁶⁹⁸, pockets of poverty and vulnerability persist.

The United Nations (UN) reports that Lebanon has been under-performing in its human development, given its 1970 starting point, as a consequence of prolonged armed conflict and political instability.⁶⁹⁹ Eight per cent of population live below the extreme poverty line, implying that nearly 300,000 persons are unable to meet their food and basic needs. Poverty is geographically skewed, with heavy concentration in Hermel, Baalbeck and Akkar.⁷⁰⁰ Amongst the poorest and most vulnerable groups are the refugee and migrant communities. Palestinian refugees are barred from owning property or practicing in more than 30 professions. 56 per cent of refugees in Lebanon are jobless, with 66 per cent of poor and 7 per cent extremely poor.⁷⁰¹ According to a recent survey, young refugees are particularly vulnerable to poverty: 70 per cent of children and adolescents (6-

689-2009 figures, UNICEF, 'Lebanon: Statistics', http://www.unicef.org/infobycountry/lebanon_statistics.html

690-Central Intelligence Agency 'World Factbook', <https://www.cia.gov/library/publications/the-world-factbook/geos/le.html>

691-2010 figures, United Nations Population Division, 'International Migrant Stock: 2008 Revision' <http://esa.un.org/migration/p2k0data.asp>

692-As of January 2011, UNHCR, '2011 UNHCR country operations profile – Lebanon', <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486676>

693-As of June 2010, UNRWA, 'UNRWA in Figures', <http://www.unrwa.org/userfiles/2011031065331.pdf>

694-UNICEF, 'Palestinian Children and Women in Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory Country Programme Document 2011-2013', 2010. The document refers to an estimated 200,000 refugees under the 18 – this may also include refugees not registered with UNRWA.

695-Frontiers, 'Invisible Citizens: A Legal Study on Statelessness in Lebanon', November 2009 <http://www.scribd.com/doc/44520515/RS-Statelessness-in-Lebanon-Executive-Summary-English-Final>

696-2010 figures, World Bank, 'Lebanon Data' <http://data.worldbank.org/country/lebanon>

697-World Bank 'Country Programme Strategy for Lebanese Republic for the period FY11-FY 14', July 28, 2010

698-Lebanese Ministry of Finance and UNDP 'Public Finance Review 2008', 2009, http://www.finance.gov.lb/en-US/finance/ReportsPublications/DocumentsAndReportsIssuedByMOF/Documents/Public%20Finance%20Reports/Annual/YR_2008.pdf

699-UNDP, 'Five Arab countries among top leaders in long-term development gains', November 2010

700-UNDP, 'Lebanon Fast Facts', <http://www.undp.org.lb/FastFactSheets/PovertyFactSheet.pdf>,

701-Upper poverty line is estimated at \$6 per person per day extremely poor at \$2.17/person/day. UNRWA, 'Annual Report of Department of Health: 2010', 2011



19) live in poverty, and 9 per cent live in extreme poverty.⁷⁰²

1.3 Political Developments and Human Rights Record

Lebanon is a sectarian-based democracy, with all 18 of its sects represented in a consensual system of government. It is a parliamentary democratic republic, with the president a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the parliament a Shi'a Muslim. Twenty years after the end of the civil, political tensions persist in Lebanon, as manifested by the collapse of Lebanon's Government of National Unity in January 2011. Tensions persist over the Special Tribunal for Lebanon, set up in connection with the 2005 assassination of former Prime Minister Rafik Hariri, and tensions remain high along the southern border with Israel. Nearly 26,000 Palestinian refugees were forced to flee the Nahr Al Bared refugee camp during the 15 week long battle between the Lebanese army and Fatah al Islam and majority of them remain displaced due to delays in reconstruction projects.⁷⁰³ Human Rights Watch reports that although Lebanese government has shown increased willingness to address human rights concerns, reforms needed to improve the country are lagging. Reforms in National Law, allowing Lebanese women married to non-Lebanese to pass on their nationality to their children, are pending, progress in addressing disappearance of countless persons during the 1975-1990 civil war has not been made, and amendments to ease Palestinian refugees' access to labour market have fallen short of expectations.⁷⁰⁴

1.4 Society and Culture in regards to Children

There is a widespread lack of awareness from parents and local organisations on issues related to child rights, particularly rights of vulnerable groups such as working children or children living with disabilities, according to a 2009 study by Naba'a, a local non-governmental organisation (NGO).⁷⁰⁵ The study furthermore highlighted that parents do not fully understand the concept of participation, since not expressing a view may be culturally viewed as a form of respect towards parents. One of the glaring child rights issues in Lebanon is the phenomenon of institutionalisation. Lebanon has the highest per cent of institutionalised children in the world, the majority of which are not orphans.⁷⁰⁶ An estimated 32,000 children are placed in residential care institutions contracted by the Ministry of Social Affairs.⁷⁰⁷

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

Lebanon ratified the UN Convention on the Rights of the Child (Convention) on 14 May 1991, without any reservations or declarative interpretations. It submitted its initial report on the implementation of the Convention to the Committee on the Rights of the Child (Committee) in December 1994, its second periodic report in December 1998, and its third periodic report in November 2004. Its compiled fourth and fifth periodic report is due in December 2011.⁷⁰⁸ On the occasion of the examination of the third periodic report by the Committee, Amnesty International and the Coordination Forum of the NGO's Working Among the Palestinian Community submitted alternative reports, focusing on the plight of Palestinian refugee children, and Child Helpline

⁷⁰²-American University of Beirut, 'Socio-Economic Survey of Palestinian Refugees in Lebanon', 30 December 2010, <http://www.unrwa.org/userfiles/2011012074253.pdf>

⁷⁰³-UNRWA, 'Reconstruction of Nahr El Bared Camp and UNRWA Compound, Progress Report 1 September 2007 – 31 October 2010', 2010, <http://www.unrwa.org/userfiles/2011042974549.pdf>

⁷⁰⁴-Human Rights Watch, 'World Report 2011: Events of 2010', 24 January 2011, Lebanon Chapter available at <http://www.hrw.org/en/world-report-2011/lebanon>

⁷⁰⁵-Study cited in Save the Children Sweden and IBCR, 'Lebanon Country Profile', Draft Version, 2011

⁷⁰⁶-Save the Children Sweden, 'Child Rights Situation Analysis for Lebanon', May 2008, <http://mena.savethechildren.se/Documents/Resources/Child%20Rights%20Situation%20Analysis%20for%20Lebanon.pdf>

⁷⁰⁷-2003 figures, Committee of the Rights of the Child, 'Third periodic reports of States parties due in 2003: Lebanon', CRC/C/129/Add.7, 25 October 2005, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/444/41/PDF/G0544441.pdf?OpenElement>

⁷⁰⁸-United Nations Treaty Collection, 'Human Rights: Convention on the Rights of the Child' http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en



submitted an alternative report calling for 3-4 digit, toll free, national helpline be accessible to all children, particularly those marginalised and disadvantaged.⁷⁰⁹ The Committee issued its Concluding Observations on the third periodic report of Lebanon in June 2006.⁷¹⁰

In its Concluding Observations, the Committee welcomed activities implemented by the Higher Council for Childhood, notably in the legislative area, and in the establishment of specialised commissions within the Council, such as on sexual exploitation, child abuse and neglect, and child participation, and new institutions for the implementation and promotion of children's rights, namely the centre for child victims of sexual violence and the centre to combat child labour. However, the Committee noted that many of the recommendations it had made previously, regarding, independent monitoring, the minimum age for marriage, the very low age of criminal responsibility, the right to a nationality, the right to be protected against violence, and abuse and the protection of refugee children, including Palestinian children, had not been sufficiently addressed. In addition, the Committee noted with concern that the Constitution and domestic laws did not ensure to foreign children, including refugee and asylum-seeking children, the same protection as to Lebanese children. It was also concerned at the persistent of de facto discrimination faced by children with disabilities.

Lebanon ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 8 November 2004. It submitted its initial report on the implementation of the OPSC in December 2006. Lebanon signed the Optional Protocol on the Involvement of Children in Armed Conflict on 11 Feb 2002, but has not ratified or acceded to it, as of June 2011.

2.2 Regional and International Human Rights Instruments

Lebanon has ratified or acceded to major UN conventions on human rights such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, social and Cultural Rights (1972), the International Convention on the Elimination of All Forms of Racial Discrimination (1971), the Convention on the Elimination of All Forms of Discrimination Against Women (1997), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2000). Lebanon has signed the Convention on the Rights of Persons with Disabilities (2007) but has yet to ratify it.

Lebanon has also signed regional treaties. It agreed to the 'Cairo Declaration on Human Rights in Islam' a declaration of the member states of the Organisation of the Islamic Conference (OIC) adopted in Cairo in 1990 that does not need ratification.⁷¹¹ Lebanon has also signed the League of Arab States' (Amended) Arab Charter of Human Rights – which entered into force in March 2008 –but did not ratify it.

During the UN Human Rights Council Universal Periodic Review (UPR) of Lebanon, held in November 2010, a number of delegations commended Lebanon for progress made in promoting child rights, including initiatives.⁷¹² Child rights recommendations which enjoyed the support of Lebanon include: strengthening legal measures to combat the sale and trafficking of children, creation of additional national mechanisms to promote and protect human rights of vulnerable groups, accelerate plans for the adoption and implementation of a national strategy for children, including strategy to combat child labour, strengthen inclusive education programmes, implement further

⁷⁰⁹-Alternative reports of the three organizations are available at http://www.bettercarenetwork.org/resources/find_altrep.asp?CRCID=46&country=121

⁷¹⁰-Committee on the Rights of the Child, 'Concluding Observations: Lebanon' CRC/C/LBN/CO/3, 8 June 2006, [http://www.unhchr.ch/tbs/doc.nsf/0/35c25deb7e3a1837c12571e1005150c8/\\$FILE/G0642512.pdf](http://www.unhchr.ch/tbs/doc.nsf/0/35c25deb7e3a1837c12571e1005150c8/$FILE/G0642512.pdf)

⁷¹¹-OIC, 'Cairo Declaration on Human Rights in Islam', 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,,3ae6b3822c,0.html>

⁷¹²-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Lebanese Republic', A/HRC/WG.6/9/LBN/1, 23 August 2010, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LB/A_HRC_WG.6_9_LBN_1_E_Lebanon-eng.pdf



demining activities to better protect children. Lebanon rejected the following recommendations: raise the minimum age of criminal responsibility to comply with international standards, adopt a comprehensive national strategy to provide street children with official documents and adequate assistance, including recovery and social reintegration services, amend the law on citizenship in such a way that ensures that all Lebanese women can pass on their citizenship to their children, revoke and replace *kafalah* system with regulations in accordance with international standards.

2.3 Status of the Right to Protection

There is no comprehensive legal or policy framework in place on child protection in Lebanon. However, since the Committee issued its last Concluding Observations in 2006, Lebanon has made strides in protecting children from abuse, violence, neglect, and exploitation. A draft legislative framework on Child Protection is being finalised, with articles on lowering the minimum legal age requirement for joining associations from 21 to 15, strengthening the rights of disabled children and their protection by the government, restricting the right of disciplining a child, and demanding introduction of clearer definitions regarding abuses, as well as stricter penalties for sexual exploitation cases, imposing free and mandatory education for children up to the age of 15, and restricting the workforce to persons above that age. Government officials however have been expressing concerns that the draft laws, which were formulated by Saint Joseph University's Centre d'Etudes de Droit du Monde Arab, would not be enacted by Parliament and the Cabinet.⁷¹³ A draft bill that would criminalise violence against women, including so-called crimes, has also been submitted to a Parliamentary Committee in May 2010 and has remained there since.⁷¹⁴

In the absence of a comprehensive national child protection system, children continue to be vulnerable, to different forms of violence at home, at schools, and in their communities. Although the Lebanese Criminal Code provides for the protection of children from all forms of sexual abuse, a study of child sexual abuse in Lebanon revealed that that 16 per cent of children surveyed, with the average age being 10, had experienced some form of sexual abuse, with the highest prevalence being in the home rather than the school or other setting.⁷¹⁵ The study reported that "childhood sexual abuse is considerably less common in males, with the ratio of female to male victims estimated to be as high as 12:1; however, there is a belief that the reported rates for male-child sexual abuse are seriously underestimated". Physical and psychological violence is also widespread in homes: a survey of more than 1,000 young people found that 54 per cent had experienced physical violence in the home during a one year period and 65 per cent had experienced psychological violence.⁷¹⁶ In general, abuse, especially domestic abuse, is likely to be under-reported because of social and religious taboo, dependence on the family, and fear of reprisal.

There has been restricted progress in addressing the Committee's recommendations on corporal punishment. Corporal punishment is prohibited in public schools under a Ministerial Directive: Article 41 of the Decision no. 1130/m/2001 dated 10/9/2001 stipulates that "Employees in the education sector are prohibited to inflict any physical punishment on pupils, nor to address verbal retribution that is humiliating and is against the principle of education and personal dignity".⁷¹⁷ Private schools are governed by their own internal regulations and some, but not all, have adopted anti-corporal punishment regulations.⁷¹⁸ In 2006, Committee noted that despite this prohibition, corporal punishment is widely used in schools. Prohibition of corporal punishment in public schools is not enforced as Article 186 of the Penal Code which states that "the law permits the

713-Daily Star, 'Sayegh announces finalization of new draft legislation on child protection', 11 February 2011 <http://www.dailystar.com.lb/News/Local-News/Feb/11/Sayegh-announces-finalization-of-new-draft-legislation-on-child-protection.ashx#axzz1DeBQCaFR>

714-Human Rights Watch, 'Lebanon: Enact Family Violence Bill to Protect Women', 6 July 2011 <http://www.hrw.org/en/news/2011/07/06/lebanon-enact-family-violence-bill-protect-women>

715-Save the Children Sweden Kafa, 'Child Sexual Abuse', 2008

716-Global Initiative to End All Corporal Punishment of Children, 'Lebanon Briefing for Human Rights Council Universal Periodic Review', 2010

717-Committee of the Rights of the Child, 'Third periodic reports of States parties due in 2003: Lebanon', CRC/C/129/Add.7, 25 October 2005, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/444/41/PDF/G0544441.pdf?OpenElement>

718-Global Initiative to End All Corporal Punishment of Children, 'Lebanon Briefing for Human Rights Council', 2010



types of discipline inflicted on children by their parents and teachers as sanctioned by general custom” has not been repealed, and 40 per cent of students in private, public and UNRWA schools experience corporal punishment by teachers.⁷¹⁹ The Committee has urged Lebanon to review its legislation, with a view to preventing and ending the use of corporal punishment as a method of discipline and introducing new legislation prohibiting all forms of corporal punishment in all settings.

There has also been progress in addressing child labour, within the scope of the International Programme on the Elimination of Child Labour (IPEC) of the International Labour Organisation (ILO). Lebanon has prepared a national strategy against child labour, and a special unit has been created in the Ministry of Labour to tackle child labour, to issue, including establishing a database on child labour.⁷²⁰ There is need for further research into the legislative framework on child labour and to assess whether legislation provides clear and effective mechanisms of complaints. Although reliable statistics on child labour are not available, there are reports that Lebanon may have one of the highest proportions of working children aged 10 to 17 in the world, with over 100,000 children in the country who are victims of child labour and trafficking.⁷²¹ Working children are concentrated in the north of Lebanon and Mount Lebanon. The literature suggests that Iraqi refugee children, Palestinian children, migrant children, street children and children from low-income families are particularly vulnerable to exploitative labour practices.⁷²² In a 2009 assessment of camps in South Lebanon, Palestinian children were found to be exposed to exploitative employers, very poor wages, lack of training and physically inappropriate demand, and higher risk of physical punishment and sexual abuse.⁷²³

Upon review of Lebanon’s periodic report, the Committee expressed its deep concerns regarding the sexual exploitation of children in particular the increase in the number of children trafficked for purposes of prostitution, and the lack of framework for the prevention and criminalisation of sexual exploitation and trafficking. Although Lebanon still does not have a comprehensive anti-trafficking framework the government is improving referral of trafficking victims to safe houses run by non-governmental organisations (NGOs) and is demonstrating interest in addressing child trafficking. A draft anti-trafficking law has been prepared and was submitted in December 2009 to the Cabinet for approval.⁷²⁴

In its 2006 Concluding Observations, the Committee deplored the occurrence of ‘honour killing’ and the reduced sentence for the perpetrator granted by law.⁷²⁵ Article 562 of the Penal Code allows for the application of reduced penalties for crimes intended to ‘preserve honour’.⁷²⁶

The Committee also expressed concern over the gaps in the legal protection of refugees in Lebanon and about the continued exposure of Palestinian refugee children to violence in the home, school, and community. In one study, 55 per cent of surveyed Palestinian children describe their school as a violent environment and 61 per cent of students that drop out at fifth grade did so because of the prevailing violence in the schools.⁷²⁷ In North Lebanon in particular, social exclusion of girls and discrimination against children living with disabilities has also been highlighted by several

719-Ibid.

720-Human Rights Council, ‘National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Lebanese Republic’, A/HRC/WG.6/9/LBN/1, 23 August 2010, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LB/A_HRC_WG.6_9_LBN_1_E_Lebanon-eng.pdf

721-Menassat, ‘Child labour in Lebanon: A breakdown’, 6 July 2009, <http://www.menassat.com/?q=en/news-articles/6781-child-labour-lebanon>

722-Save the Children Sweden, ‘Child’s Rights Situation Analysis for Lebanon’, May 2008

723-Terre des Hommes, ‘A Child Protection Assessment Palestinian Camps and Gatherings Tyre, South Lebanon’ March 2009

724-US Department of State, ‘Trafficking in Persons Report’, June 2010

725-Committee on the Rights of the Child, ‘Concluding Observations: Lebanon’, CRC/C/LBN/CO/3, 8 June 2006

726-Committee on the Elimination of Discrimination against Women, ‘Concluding comments of the Committee on the Elimination of Discrimination against Women: Lebanon’, CEDAW/C/LBN/C, 8 April 2008, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/298/32/PDF/N0829832.pdf?OpenElement>

727-Naba’a, ‘Violence against Palestinian Children in Lebanon – Ein Elhelweh Camp’, November 2007



researches as a growing protection risk, and heightened numbers of girl children victims of sexual abuse, girl students' school dropout and early marriage have been registered.⁷²⁸ Refugee children from Nahr Al Bared refugee camp in particular, faced with the trauma of the conflict, and the prospect of protracted displacement, have experienced a detrimental impact on their psycho-social health and well-being, with many showing signs of psychological and behavioural problems.⁷²⁹ The Committee has consistently urged the state of Lebanon to ensure the fulfilment of the human rights and freedoms of Palestinian children by, among other things, protecting them from all forms of violence.⁷³⁰ While national legal frameworks apply to Palestinian children in Syria and Jordan, Lebanon differs, and Lebanese legislation does not apply within refugee camps where there is no formal framework.⁷³¹

Juvenile justice is an area of concern for Palestinian refugees in Lebanon. According to UNICEF, "Palestinian children are in conflict with the law in about 10 per cent of all registered cases of juvenile delinquency", which is disproportionately high compared to their share in the population. In South Lebanon, the situation is even more worrisome with up to 40 per cent of children in conflict with law cases involving Palestinians.⁷³²

Despite the Committee's strong recommendations regarding the institutionalisation of children ("take immediate preventive measures to avoid separation of children from their family environment by providing appropriate assistance and support services to parents and legal guardians" "ensure that the need for the placement of each child in institutional care is always assessed by a competent, multidisciplinary group of professionals and that the initial decision of placement is done for the shortest period of time and subject to judicial review by a civil court", "strengthen its efforts to develop a traditional foster-care system, including *kafalah*", "invest in systematic research and provide professionals working with and for children deprived of a family environment with regular rights-based training" "establish an effective regulation and evaluation mechanism for alternative care"), National efforts have to reform the system of alternative care have remained inadequate and largely ineffective.

2.4 Status of the Right to Education

Right to education is enshrined in Article 10 of the Constitution: "education is free insofar as it is not contrary to public order and morals and does not interfere with the dignity of any of the religions or creeds"⁷³³ Elementary education up to the age of 12 is free and compulsory, under Act No. 686 of 1998: a bill to increase the age at which compulsory schooling ends to 15 years is under legislative review.⁷³⁴ Ministerial Decision number 47, dated 18 September 2003, exempts all public education students, including non-Lebanese, in the pre-school, first, and second grade levels from registration fees⁷³⁵, although foreign students cannot register in public schools if they do not have relevant identification papers.

Gross primary school enrolment rate is high, at 104 per cent for boys and 102 per cent for girls.⁷³⁶

728-Information provided by Save the Children Sweden, August 2011

729-UNRWA, 'Relief and Early Recovery Appeal for Nahr el-Bared Camp: September 2008 to December 2009', undated, <http://www.unrwa-lebanon.org/uploads/NBC/Appeals/En/NBC%20Relief%20and%20Early%20Recovery%20Appeal%20English%202009%20-%202010.pdf>

730-Committee on the Rights of the Child, 'Concluding Observations: Lebanon', CRC/C/LBN/CO/3, 8 June 2006

731-Laurent Chapuis, UNICEF Middle East and North Africa Regional Office, 'Advancing Child Protection in Jordan, Lebanon, occupied Palestinian territory and Syria', October 2010

732-UNICEF, 'Palestinian Children and Women in Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory Country Programme Document 2011-2013', 2010

733-Copy of the Lebanese Constitution is available at <http://www.clhrf.com/unresagreements/Lebanese%20constituti.pdf>. Translation may differ slightly.

734-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Lebanese Republic', A/HRC/WG.6/9/LBN/1, 23 August 2010, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LB/A_HRC_WG.6_9_LBN_1_E_Lebanon-eng.pdf

735-Committee on the Rights of the Child 'Third periodic reports of States parties due in 2003: Lebanon', CRC/C/129/Add.7, 25 October 2005

736-2005-2009 figures, UNICEF, 'Lebanon: Statistics', http://www.unicef.org/infobycountry/lebanon_statistics.html



Education challenges include high drop-out and repetition rates in public schools, reaching 22 per cent and 48 per cent respectively, low quality of education and its high cost, not commensurate with learning achievement, reports the United Nations Children's Fund (UNICEF).⁷³⁷

The government has been increasingly focusing on providing quality education for children. The 2003-2015 national education plan focuses, amongst others, on expanding and improving early education, providing literacy programmes for school dropouts, and expanding inclusive education projects.⁷³⁸ Large gaps however continue to exist in the provision of education services by the public sector, and only 38 per cent of the Lebanese student population attends public schools.⁷³⁹

Palestinian refugee children are not able to access public schools, while private schools are financially unaffordable for many of refugee households. UNRWA thus plays a significant role in the provision of education services to Palestinian refugee children. It provides free schooling, and runs 75 schools, including 6 secondary schools, attended by some 33,000 students.⁷⁴⁰ Palestinian refugees have lower educational attainment results than in host communities. Survey results show that 8 per cent of those between 7 and 15 years old were not at school in 2010.⁷⁴¹ In addition to this, two thirds of Palestinians above the age of 15 do not have *Brevet*, compared to a Lebanese rate of 50 per cent, and only half of youths in secondary school age (16-18 years old) are enrolled in education.

All refugee and asylum-seeking children registered with UNHCR have access to Lebanese schools by virtue of a ministerial decree issued in 2008: for the 2009/2010 school year, 85 per cent of primary school-aged children registered with UNHCR were enrolled in formal education.⁷⁴²

2.5 Status of the Right to Survival and Development

The country has made important strides in reducing child and infant mortality. Between 1990 and 2009, under-five mortality rate declined from 40 (per 1,000 live births) to 12, and under-one mortality rate from 33 to 11.⁷⁴³ Infant mortality amongst Palestinian refugees was estimated at a higher 19 per cent in 2005.⁷⁴⁴ National immunisation rates for infants have been increasing steadily, although they are still low by regional standards; the rate of exclusive breastfeeding for infants less than six months does not exceed 27 per cent.⁷⁴⁵

In its 2006 Concluding Observations, the Committee commended Lebanon on its healthcare system and appreciated the decline in infant and child mortality rates but expressed its concern for limited access of disadvantaged families in accessing quality health services, and regional disparities in the provision of health services, including national immunisation programmes. For example, over 80 per cent of children in Beirut were vaccinated against measles, mumps, and rubella (MMR), but only 27 per cent in Bekaa.⁷⁴⁶ Due to the fragmented nature of healthcare – result of decades of conflict and widespread damage to infrastructure – access to affordable health care remains severely limited in the Bekaa and Northern regions of Lebanon in particular, and these regions

737- UNICEF, 'Draft Country Programme Document Lebanon (2010-2014)', July 2009 [http://www.unicef.org/about/](http://www.unicef.org/about/execboard/files/09-PL17-Lebanon_-_revised_-_16_July%281%29.pdf)

738-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Lebanese Republic', A/HRC/WG.6/9/LBN/1, 23 August 2010, [http://lib.ohchr.org/HRBodies/UPR/](http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LB/A_HRC_WG.6_9_LBN_1_E_Lebanon-eng.pdf)

739-Lebanon Central Administration for Statistics, 'Education Statistics' (in Arabic), 2007 [http://www.cas.gov.lb/images/PDFs/](http://www.cas.gov.lb/images/PDFs/Educational%20status-2007-ar.pdf)

740-As of December 2009, UNRWA, 'Lebanon', <http://www.unrwa.org/etemplate.php?id=65>

741-American University of Beirut 'Socio-Economic Survey of Palestinian Refugees in Lebanon', 30 December 2010, <http://www.unrwa.org/userfiles/2011012074253.pdf>

742-UN OCHA, 'Regional Response Plan for Iraqi Refugees: 2011', 2011

743-UNICEF, 'Lebanon: Statistics', http://www.unicef.org/infobycountry/lebanon_statistics.html

744-UNRWA, 'The Annual Report of the Department of Health, 2010', 2011

745-UNICEF, 'Lebanon: Statistics', http://www.unicef.org/infobycountry/lebanon_statistics.html More information on immunization rates and breastfeeding practices can be found at

746-World Bank, 'Poor Places, Thriving People How the Middle East and North Africa Can Rise Above Spatial Disparities', 2011



have considerably higher infant and child mortality rates than national averages. According to the Pan Arab Project for Family Health, the rates in the Governorate of Bekaa were 17.5 and 35.8 per 1,000 live births, respectively, for child and infant mortality in 2004.⁷⁴⁷

2.6 Status of the Right to Health

Lebanon is by far the highest spender on health in the Middle East and North Africa. Contrary to other Arab countries however private sector however dominates health financing and service provision in Lebanon, however, and a large share of health expenditure is taken up by the well-off population, reports the World Bank.⁷⁴⁸ While noting the high quality of health services in Lebanon, the Committee on the Elimination of Discrimination against Women has expressed its concerns about the “dominance of the private sector and geographical disparity in the delivery of services, preventing access to health care for women and girls from poor and rural areas, as well as disabled women”.⁷⁴⁹

As for Palestinian refugees, Lebanon is the only country where UNRWA has an arrangement (with Palestine Red Crescent Society hospitals) to guarantee equity for Palestine refugees in access to secondary health care.⁷⁵⁰

Lebanon is a low HIV/AIDS prevalence country, with less than 1,000 reported cases of HIV/AIDS of 2006.⁷⁵¹ Statistics regarding children living with HIV/AIDS and children that are orphaned due to the disease are currently unavailable. Knowledge, attitude and practice surveys reveal that unsafe behavioural practices pose high risks, and that adolescents are at particular risk, as they have inadequate access to information and services. The Committee has also recommended that Lebanon “ensure adolescents’ access to adequate social and health services, including youth-sensitive and confidential counselling on HIV/AIDS”. Although the National HIV/AIDS Programme (NAP), led by the Ministry of Public Health, has been implementing awareness raising campaigns, prevention, treatment, care and support programmes, the extent to which behavioural practices of adolescents have been modified (use of condoms for example) is not known.

The Committee moreover expressed its concerns that children living with disabilities, particularly Palestinian refugee girls, have inadequate access to rehabilitation services. Palestinian adolescents are also vulnerable to mental health issues. A survey of 13-15 year olds in UNRWA schools in Lebanon has found that 15 per cent of students have seriously considered attempting suicide over the past 12 months prior to the survey.⁷⁵²

2.7 Status of Child Rights under Emergencies

Lebanon is not a party to the UN 1951 Refugee Convention or its 1967 Protocol, nor does it have refugee legislation or administrative practices for asylum seekers. As such, the protection framework for refugees and asylum seekers is fragile, reports the UNHCR.⁷⁵³ The country also does not have a national policy on internal displacement, although a Ministry for the Displaced was created in 1992 to address large-scale displacement caused by the civil war, and a High Relief Commission was set up in response to the 2006 war.⁷⁵⁴

747-Study quoted in UNICEF, ‘Short-Duration Country Programme Document Lebanon’, E/ICEF/2007/P/L.26, 26 April 2007, <http://www.unicef.org/about/execboard/files/07-PL26-Lebanon%281%29.pdf>

748-World Bank ‘Sustaining Gains in Poverty Reduction and Human Development in the Middle East and North Africa’, 2006

749-Committee on the Elimination of Discrimination against Women, ‘Concluding comments of the Committee on the Elimination of Discrimination against Women: Lebanon’, CEDAW/C/LBN/C, 8 April 2008, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/298/32/PDF/N0829832.pdf?OpenElement>

750-UNRWA, ‘Healthcare in the Field’, <http://www.unrwa.org/etemplate.php?id=94#jordan>

751-UNICEF, ‘Short-Duration Country Programme Document: Lebanon’, E/ICEF/2007/P/L.26, 26 April 2007, <http://www.unicef.org/about/execboard/files/07-PL26-Lebanon%281%29.pdf>

752-UNRWA, ‘The Annual Report of the Department of Health, 2010’, 2011

753-As of January 2011, UNHCR, ‘2011 UNHCR Country Operations Profile – Lebanon’, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486676>

754-IDMC, ‘Difficulties Continue for People Displaced by Successive Conflicts’, September 2009, [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/C08954D44AB5604CC125763F005F5429/\\$file/Lebanon%20-September%202009.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/C08954D44AB5604CC125763F005F5429/$file/Lebanon%20-September%202009.pdf)



In Lebanon's complicated political and security environment, maintaining a degree of disaster risk management and humanitarian response capacity is critical, reports UNICEF.⁷⁵⁵ According to the UN 2010 report on Children and Armed Conflict, the politicisation of children and their potential participation in armed clashes between political forces remains a deep concern. The report also notes that children in Palestinian refugee camps are increasingly vulnerable to risks associated with political armed violence or violent extremism, and that the presence of cluster munitions used by Israel during the war in 2006, landmines and unexploded ordnance still constitute physical threats to children in a number of areas.⁷⁵⁶

Lebanon is also vulnerable to natural disasters, including seismic risks, flooding, and drought. The country has requested the support to the United Nations Development Programme (UNDP) to help improve national policy for disaster management and to strengthen the main institutional stakeholder, the High Relief Committee.⁷⁵⁷ UNDP is recommending the government to strengthen the High Relief Committee through clear mandate, establishment of a fully functional Secretariat, and allocation of funds in annual budget to High Relief Committee for disaster preparedness. Whether child-specific vulnerabilities will be integrated into national disaster risk reduction policies and strategies are yet to be seen. Lebanon's 2009-2011 report on the implementation of the Hyogo Framework for Action does not refer to child rights or protection.⁷⁵⁸

3. Stakeholder Analysis

3.1 Government structures

The Higher Council for Childhood, established in 1994, and headed by the Minister of Social Affairs is the national institution for coordinating child programmes and monitoring the implementation of the Convention. In addition to relevant government bodies, the Council includes representatives of civil society organisations (CSOs). The Council is composed of various committees including Violence against Children Committee, and is mandated to prepare a national strategy for children.

The Ministry of Social Affairs is also a key stakeholder on children's rights, primarily through its department for alternative care institutions and the juveniles department. The Ministry of Education and Higher Education and the Ministry of Public Health are the main authorities responsible for provision services to children. The Ministry of Justice has a specialised unit for children, the Department for Minors, and the Ministry of Labour, Child Labour, and the Ministry of Social Affairs, the Social Care Department.⁷⁵⁹

Although states hold the primary responsibility to protect and promote the rights of all children in their jurisdiction, in Lebanon, responsibility with regards to refugee and asylum seeking children is directed to UNHCR and UNRWA (in case of Palestinian refugees).⁷⁶⁰

3.2 Civil Society

There are no reliable estimates on the total number of CSOs working in Lebanon – estimates range

755-UNICEF, 'Draft Country Programme Document Lebanon: 2010-2014', July 2009 http://www.unicef.org/about/execboard/files/09-PL17-Lebanon_-_revised_-_16_July%281%29.pdf

756-Unless otherwise stated information in this section is extracted from General Assembly, 'Children and Armed Conflict', A/65/820-S/2011/250, 23 April 2011, http://www.un.org/ga/search/view_doc.asp?symbol=A/65/820

757-UNDP, 'Crisis Prevention and Recovery' <http://arabstates.undp.org/subpage.php?spid=32>

758-Lebanese Presidency of Council of Ministers, 'Lebanon National progress report on the implementation of the Hyogo Framework for Action (2009-2011)', April 2011 http://www.preventionweb.net/files/19726_lbn_NationalHFAprogress_2009-11.pdf

759-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Lebanese Republic', A/HRC/WG.6/9/LBN/1, 23 August 2010, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LB/A_HRC_WG.6_9_LBN_1_E_Lebanon-eng.pdf

760-Committee on the Rights of the Child, 'Written replies by the government of Lebanon concerning the list of issues (CRC/C/LBN/Q/3) received by the Committee on the rights of the child relating to the consideration of the third periodic report of Lebanon', CRC/C/129/Add.7, 2006



from 1,100 to 16,000.⁷⁶¹ UNICEF reports that CSOs play a critical role in service provision, filling in the gap in provision of education and health services: over 50 per cent of education and over 90 per cent of primary health care are satisfied by private (non-governmental) institutions.⁷⁶²

CSOs are specialised in either service provision or advocacy or a combination of both. Networks working on child rights include the Lebanon Union for Child Welfare, a network of NGOs founded in 1949, the Union of NGOs for Child Rights in Lebanon, the Co-ordination Forum of NGOs working among the Palestinian Community in Lebanon, the Palestinian Disability Forum, and Lebanese Inter-sectoral Board of Associations Network for the prevention of child abuse and neglect (LibanCAN). CSOs such as Caritas and Amel Association, to support education of children through financial support to struggling families, organise dropout prevention activities including psychological support, tutoring and after-school activities such as theatre, handcrafts and photography.⁷⁶³

A comprehensive assessment of CSOs working on child rights and childhood projects was not found. However, a capacity building assessment of non-governmental organisations (NGO) has indicated that the majority of NGOs in Lebanon have weak governance, led “by one or at best a few individuals who control all key aspects of the organisation including its governance, management, and funding structures”⁷⁶⁴. This finding may also be applicable to child rights organisations.

International non-government organisations (INGOs) working on child rights include Save the Children Sweden, an organisation that runs child protection programmes, including development of a training manual on Child Rights and Child Protection for United Nations Interim Force in Lebanon (UNIFIL) Peacekeepers.⁷⁶⁵ There have been successful advocacy initiatives involving multiple stakeholders including CSOs. A legal analysis conducted by a child protection committee composed of Rene Moawad Foundation (RMF), World Vision, UNICEF, Save the Children Sweden, and the Higher Council for Childhood (HCC), was used to advocate for improved child protection in schools. As a result of this action, the General Director of the Ministry of Education in turn re-issued in 2008 the Ministerial Memorandum of 2001 banning corporal punishment in schools.⁷⁶⁶



761-Save the Children Sweden, ‘Child Rights Situation Analysis for Lebanon’, May 2008, <http://mena.savethechildren.se/Documents/Resources/Child%20Rights%20Situation%20Analysis%20for%20Lebanon.pdf>

762-UNICEF, ‘The Situation of Women and Children in Lebanon-Short Duration Programme Document’, E/ICEF/2007/P/L.26, 2007

763-UNHCR ‘Young breadwinner returns to school in Lebanon’, 21 April 2011, <http://www.unhcr.org/4db02dd36.html>

764-UNDP, ‘Assessment of Capacity Building Needs of NGOs in Lebanon’, March 2009, <http://www.undp.org.lb/communication/publications/downloads/Capacity%20Building%20Needs%20Assessmentfor%20NGOs.pdf>

765-Training Manual available at <http://resourcecentre.savethechildren.se/content/library/documents/training-manual-child-rights-and-child-protection-unifil-peacekeepers-0>

766-Save the Children Sweden and IBCR, ‘Violence Against Children in Schools: A Regional Analysis of Lebanon, Morocco and Yemen’, Draft Version, 2011





Libya Country Profile

1. Country Overview

1.1 Demographic Profile

The Great Socialist People's Libyan Arab Jamahiriya, in the Maghreb region, is bordered by the Mediterranean Sea to the north, Egypt to the east, Sudan to the southeast, Chad and Niger to the South and Algeria and Tunisia to the west. It has a total population of 6.4 million. Nearly 2.3 million persons are under 18 years old and 709,000 under 5.⁷⁶⁷ Arabic-speaking Muslims of mixed Arab-Amazigh (Berber) ancestry constitute 97 per cent of citizens. The principal minorities are Amazigh and nomadic Tuareg and Toubou tribes that live in areas along the country's desert borders.⁷⁶⁸

In 2010, the country hosted over 682,000 international migrants (out of which 36 per cent are female); the estimated number of 'irregular' migrants is considerably higher at 2.5 million.⁷⁶⁹ As of January 2011, 11,000 refugees and asylum seekers were registered with the United Nations Refugee Agency (UNHCR).⁷⁷⁰

1.2 Socio-Economic Developments

Libya is an upper middle income country. Since the lifting of the United Nations (UN) sanctions in 2003⁷⁷¹, Libya's economy has maintained a high level of economic growth, supported by oil wealth and high public spending. Until the outbreak of the civil strife in early 2011, high economic rates, of over 10 per cent⁷⁷², supported socioeconomic development and decent living standards for Libya's population. Average per capita income has been estimated at \$12,020,⁷⁷³ and Libya's Human Development Index (HDI) is ranked at relatively high 53 out of 169 countries with comparable data.⁷⁷⁴ Similarly to other North African countries, the country has had persistently high unemployment rates, currently estimated at 30 per cent.⁷⁷⁵

1.3 Political Developments and Human Rights Record

Since Colonel Mu'ammar Gaddafi took power in 1969, the country has been ruled as a Socialist People's Republic. Restrictive government control and suppression of civil society have underlined the Gaddafi's regime. According to Human Rights Watch "Libya maintains harsh restrictions on freedom of assembly and expression, including penal code provisions that criminalise 'insulting public officials' or 'opposing the ideology of the Revolution', although there has been slightly more media debate in recent years, particularly online".⁷⁷⁶ The country is characterised by arbitrary arrest, the detention of political prisoners, denial of fair public trial, discrimination of Amazigh, Tuareg and Black African populations as well as migrant workers. In June 2010, Law No. 19 of 2010 on Combating Irregular Migration was passed, allowing for indefinite detention and deportation of those believed to be irregular migrants, and allows no right of appeal.⁷⁷⁷ One of the few positive legislative developments has been a new nationality law, passed in 2010, allowing Libyan women married to foreign spouses to transmit their nationality to their children.

⁷⁶⁷-2009 figures, UNICEF, 'Libya Statistics', http://www.unicef.org/infobycountry/laj_statistics.html#73

⁷⁶⁸-US Department of State, '2010 Country Reports on Human Rights Practices', 8 April 2011, Libya Country Report available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm>

⁷⁶⁹-2010 estimate, United Nations Population Division, 'International Migrant Stock: 2008 Revision' <http://esa.un.org/migration/p2k0data.asp>

⁷⁷⁰-UNHCR, '2011 Regional Operations Profile - North Africa'

⁷⁷¹-The United Nations imposed sanctions in 1992 after the bombing of the Pan Am 103 flight over Lockerbie.

⁷⁷²-World Bank, 'Libya Country Brief', available at World Bank website www.worldbank.org

⁷⁷³-2009, Gross National Income per capita, Atlas method (current US\$), <http://data.worldbank.org/country/libya>

⁷⁷⁴-2010 ranking, UNDP, 'Libya Country Profile of Human Development Indicators'

<http://hdrstats.undp.org/en/countries/profiles/LBY.html>

⁷⁷⁵-World Bank, 'Libya Country Brief', available at World Bank website www.worldbank.org

⁷⁷⁶-Human Rights Watch, 'World Report 2011: Events of 2010', 24 January 2011, Libya chapter available at <http://www.hrw.org/en/world-report-2011/libya>

⁷⁷⁷-Amnesty International, 'Report 2011: The State of the Worlds Human Rights', 2011



In February 2011, a series of protests, inspired by the Arab Uprising in Egypt and Tunisia, swept across towns and cities of Libya. The protests were met up by violent crackdown by Gaddafi regime, including indiscriminate rocket and mortar attacks. Forces opposing Gaddafi have established the National Transitional Council in Benghazi, and have declared an interim government. On 27 June 2011, the International Criminal Court (ICC) issued an arrest warrant for the Libyan leader, his son Seif al-Islam, and Libya's intelligence chief, for charges of crimes against humanity for their roles in attacks on civilians, including peaceful demonstrators.⁷⁷⁸ With war raging on, nearly 650,600 people have left Libya and not returned, of which nearly 545,000 are third-country nationals, including Nigeriens and Chadians, or nationals from neighbouring countries and an estimated 243,000 Libyans have been internally displaced.⁷⁷⁹

1.4 Society and Culture in regards to Children

Traditional attitudes towards children in society may limit the respect for their views, especially within the family and in schools.⁷⁸⁰ The United Nations (United Nations) Human Rights Committee has also reported widespread discrimination against vulnerable groups of children, including children of migrant workers, children born out of wedlock, and children whose mothers are married to non-Libyan nationals.⁷⁸¹ Other groups of children that may be discriminated against include 13,000 children living with disabilities, registered with government social funds, 400 orphaned or abandoned children who live in social institutions, and nearly 700 girls and boys in juvenile institutions (for custody, pending investigations, or in detention).⁷⁸²

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

On 15 April 1993, Libya acceded to the UN Convention on the Rights of the Child (Convention), without any reservations. Libya submitted its initial report on the implementation of the Convention to the Committee on the Rights of the Child (Committee) in May 1996. Its second periodic report was submitted in August 2000, and its third and fourth periodic reports in August 2009⁷⁸³, nearly one year past its due date. Upon review of the second periodic report Libya in 2003, the Committee concluded that many of the concerns expressed and recommendations made following consideration of Libya's initial report had not been sufficiently addressed.⁷⁸⁴ Most notably, it reiterated its concerns that several rights contained in the Convention, for example, non-discrimination, the best interests of the child, rights concerning juvenile justice, were not adequately reflected in the laws, including personal status laws. The Committee recommended that Libya produce a comprehensive and rights-based national plan of action for the implementation of the Convention, paying special attention to children belonging to the most vulnerable groups. It also recommended Libya to amend national legislation and juvenile system to ensure that minimum age of criminal responsibility, in law and practice, is consonant with international standards.

Since the Committee issued its Concluding Observations in 2003, Libya has made some progress in addressing the Committee's recommendations. Notably, bill has been drafted to amend the Mobilisation Act by increasing the age of deployment to 18 years and the age of criminal responsibility

⁷⁷⁸-Human Rights Watch 'Libya Warrants Sends Strong Message to Abusive Leaders', 27 June 2011

⁷⁷⁹-UN OCHA, 'Libyan Arab Jamahiriya: Crisis Situation Report No. 45', 16 June 2011, <http://reliefweb.int/sites/reliefweb.int/files/resources/revsiterep45Libyan%20Arab%20Jamahiriya%20%E2%80%A2%20Crisis.pdf>

⁷⁸⁰-UN Agencies Contribution to Libya's Universal Periodic Review, undated, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LY/UNcontribution_JS.pdf

⁷⁸¹-Human Rights Committee, 'Concluding Observations of the Human Rights Committee', CCPR/C/LBY/CO/4/CRP.1, Unedited Version, 30 October 2007

⁷⁸²-2008 figures, Committee on the Rights of the Child, 'Third and fourth periodic reports of States parties due in 2005, Libyan Arab Jamahiriya', CRC/C/LBY/3-4, 2 June 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/426/98/PDF/G1042698.pdf?OpenElement>

⁷⁸³-Ibid.

⁷⁸⁴-Committee on the Rights of the Child, 'Concluding Observations: Libya', CRC/C/15/Add.209, 4 July 2003, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/428/30/PDF/G0342830.pdf?OpenElement>



has been set at 18.⁷⁸⁵ However, Libya has not implemented the Committee's recommendation to provide information on child budget, despite Article 13 of the Child Protection Act No. 5 of 1997, which states the State's annual public budget must allocate, within the provisions for the different sectors, a special budget for the welfare of children.⁷⁸⁶

Libya acceded to the Optional Protocol to the Convention on the Involvement of Children in Armed Conflict (OPAC) on 29 October 2004, and the Optional Protocol and on the Sale of Children in Child Prostitution and Child Pornography (OPSC) on 18 June 2004. It submitted its initial report on the implementation of the OPSC in July 2006, and its report on OPAC in November 2006. The Committee has still not issued its Concluding Observations regarding the two initial reports on the Optional Protocols.

2.2 Regional and International Human Rights Instruments

Libya has acceded or ratified major United Nations conventions on human rights, namely: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (1970), the International Convention on the Elimination of All Forms of Racial Discrimination (1968), the Convention on the Elimination of All Forms of Discrimination Against Women (1989), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1989), and the Convention on the Protection of Migrant Workers and Members of their Families (2004). Libya has signed the Convention on the Rights of Persons with Disabilities (2008) but has not ratified it.

Libya is party to regional treaties. Libya has agreed to the 'Cairo Declaration on Human Rights in Islam' issued in 1990 by foreign ministers of countries members of the Organisation of the Islamic Conference (OIC), a guiding document that does not require ratification.⁷⁸⁷ Libya also ratified the (Amended) Arab Charter of Human Rights of the League of Arab States, which entered into force on 15 March 2008. As member of the African Union (AU), Libya has also ratified in July 1986, the African Charter on Human and Peoples' Rights.⁷⁸⁸ It also ratified/acceded to the African Charter on the Rights and Welfare of the Child (ACRWC) in 2000, the most important instrument for children's rights within the AU human rights system.⁷⁸⁹

During the UN Human Rights Council Universal Periodic Review (UPR) of Libya, which was held in November 2010, a number of delegations welcomed legislative measures implemented by Libya to promote child rights.⁷⁹⁰ Recommendations on child rights formulated by delegations included inviting the Special Rapporteur on the right to education and the Special Rapporteur on the sale of children, child prostitution and child pornography, take appropriate measures to ensure that all children enjoy all human rights, without discrimination, speed up the adoption of the draft law on exempting disabled children from transportation costs within and outside cities, take comprehensive measures to eliminate violence against women and children, in particular by adopting a national strategy to combat violence. All these recommendations were examined by Libya and enjoy its support. Several delegations also formulated recommendations to ban corporal

785-Committee on the Rights of the Child, 'Third and fourth periodic reports of States parties due in 2005, Libyan Arab Jamahiriya', CRC/C/LBY/3-4, 2 June 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/426/98/PDF/G1042698.pdf?OpenElement>

786-Committee on the Rights of the Child, 'Second periodic reports of States parties due in 2000: Libyan Arab Jamahiriya', CRC/C/93/Add.1, 19 September 2002

787-OIC, 'Cairo Declaration on Human Rights in Islam', 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,3ae6b3822c,0.html>

788-African Union, 'List of Countries that have ratified/acceded to the African Union Convention on African Charter on Human and Peoples Rights', undated, http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/List/African%20Charter%20on%20Human%20and%20Peoples%20Rights.pdf

789-African Union, 'List of Countries that have ratified/acceded to the African Charter on the Rights and Welfare of the Child', March 2010

790-Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: Libyan Arab Jamahiriya', A/HRC/16/15, 4 January 2011 http://www.upr-info.org/IMG/pdf/a_hrc_16_15_libya_e.pdf



punishment. During the UPR, the government stated that the Penal Code is being reviewed and that corporal punishment will be repealed. It stated that it will further examine this recommendation and will provide a response by March 2011.

2.3 Status of the Right to Protection

Legislative measures to protect children against violence and abuse include the Child Protection Act No. 5 of 1997 and Articles 407 and 408 of the Penal Code, which protect children from sexual violence. In its third and fourth periodic report on the implementation of the Convention, Libya reported that it had set up a helpline number (1515) to receive complaints about violence against women and children, under the supervision of a charitable organisation (Waatasemu Charity Association).⁷⁹¹ Libya acknowledges that studies on the prevalence of violence and abuse are inadequate. The country has made no progress in the collection of sex-disaggregated data on the prevalence and forms of violence, including in the domestic sphere.⁷⁹²

Child protection provisions are not well enforced, and programmes as well as referral and rehabilitation services for victims of abuse are lacking. In addition, in its 2009 Concluding Observations, the Committee on the Elimination of All Forms of Discrimination against Women expressed its concerns that many women and girls are confined in social rehabilitation centres only because they were victims of sexual or domestic violence, without the provision of a possibility to challenge this confinement in a court.⁷⁹³

Libya has not addressed this issue, nor has it addressed the concerns of the Committee on the Rights of the Child and Committee on the Elimination of all forms of Discrimination against women regarding trafficking. Libyan Penal Code penalises trafficking; however, the government does not recognise this as an issue and thus no protection for children victims of trafficking or migrant children victims of economic exploitation. In its third and fourth periodic report, Libya limited its reporting to “Libyan legislation and current laws in the Jamahiriya prohibit the sale, trafficking and abduction of children, as previously stated in the second periodic report”. The United Nations Children’s Fund (UNICEF) reports that research has shown that most of the children from Sub-Saharan Africa, including from Niger, trafficked to Libya are exploited as labourers in plantations or as child domestic workers.⁷⁹⁴

Libya furthermore has made no progress in ensuring a comprehensive ban on corporal punishment in the home and in alternative settings. Corporal punishment at school is a criminal offence under the School Discipline Ordinance for schools as well as the Child Protection Act. However, provisions against violence and abuse in Act No. 17 (1992), the Penal Code (1953), the Child Protection Act (1997), the Great Green Document on Human Rights (1988), the Constitutional Proclamation and the Promotion of Freedom Act No. 20 (1991) are not interpreted as prohibiting corporal punishment in childrearing.⁷⁹⁵ Furthermore, although capital punishment and life imprisonment are unlawful as judicial sentences for child offenders, corporal punishment is lawful. A draft new Penal Code has been under discussion since 2007, which may repeal corporal punishment as a sentence.

Article 15 of the Child Protection Act No. 5 of 1997 prohibits the employment of children in any occupation except for purposes of education and vocational training, and Article 92 of the

⁷⁹¹-Committee on the Rights of the Child, ‘Third and fourth periodic reports of States parties due in 2005’, Libyan Arab Jamahiriya, CRC/C/LBY/3-4, 2 June 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/426/98/PDF/G1042698.pdf?OpenElement>

⁷⁹²-Ibid.

⁷⁹³-Committee on the Elimination of Discrimination against Women, ‘Concluding observations of the Committee on the Elimination of Discrimination against Women Libyan Arab Jamahiriya’, CEDAW/C/LBY/CO/5, 6 February 2009

⁷⁹⁴-UNICEF, ‘Niger at a Glance’, http://www.unicef.org/infobycountry/niger_51679.html

⁷⁹⁵-Global Initiative to End All Corporal Punishment of Children, ‘Libyan Arab Jamahiriya: Briefing for the Human Rights Council Universal Periodic Council’, 2010, <http://www.endcorporalpunishment.org/pages/pdfs/UPR/UPR-09/Libyan%20Arab%20Jamahiriya%20UPR.pdf>,



Labour Act specifies 15 years as the age at which children may be employed. The actual number of under-age working children is not known, and there have been no comprehensive assessments on whether labour laws are effectively enforced.

2.4 Status of the Right to Education

Education is free for all children and compulsory starting at 6 years of age until 15 years of age, as stipulated by the Compulsory Education Act No. 90 of 1975. Article 9 of the Child Protection Act No. 5 of 1997 provides that “basic education is a right guaranteed by society to its able-bodied and children living with disabilities who have the necessary capability”.⁷⁹⁶ The Compulsory Education and the Child Protection Acts also prescribe penalties to parents or carers who deny children their right to education.⁷⁹⁷ Any guardian who fails in this duty is liable to a penalty of a fine and will be denied access to government aid, assistance, and loans as well as banking loan and, any license which he or she may hold will be revoked or will not be renewed.⁷⁹⁸ Education is allocated nearly 6 per cent of total government administrative budget.⁷⁹⁹

Gross primary school enrolment is 113 per cent for boys, and 108 per cent for girls, and gross secondary school enrolment is 86 per cent for boys and 101 per cent for girls.⁸⁰⁰ The UN reports that quality and efficiency of education is a concern as well as disparities among geographic regions in spite of high financial investment devoted to education.⁸⁰¹ Recognising that over-crowdedness might be an issue impacting upon quality of education, the government is pursuing a strategy to reduce the density of pupils per classroom to 25 by 2012 by maintaining and developing the 3,000 existing schools and increasing the number of classrooms to 9,000.⁸⁰²

The government states that refugee children are entitled to schooling.⁸⁰³ However, the law imposes high fees on non-citizens enrolled in primary and secondary schools, and schools also discriminate against children born out of wedlock.⁸⁰⁴ Access of children living with disabilities to education is also restricted, despite the Disabled Persons Act No. 5 of 1987. In its 2003 Concluding Observations, the Committee has also found that the children living with disabilities are not included in regular education system, and recommended greater efforts to promote inclusive education.

2.5 Status of the Right to Survival and Development

Libya has made substantial improvements in reducing child and infant mortality rates. Under-five mortality rate decreased from 36 per 1000 live births to 19 between 1990 and 2009, and under-one mortality rate from 32 to 17.⁸⁰⁵ The country has implemented an extensive vaccination programme targeting the ten main diseases and covering 95 per cent of children. Diseases such as neonatal tetanus and polio have been virtually eradicated and measles has been largely controlled.⁸⁰⁶ Despite being a

796-Human Rights Council, ‘National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Great Socialist People’s Libyan Arab Jamahiriya’, A/HRC/WG.6/9/LBY/1, 24 August 2010

797-Ibid.

798-Right to Education Project, ‘At what age?... are school-children employed, married and taken to court?’, 2004 http://www.right-to-education.org/sites/r2e.gn.apc.org/files/age_new.pdf

799-2001-2006 data, Committee on the Rights of the Child, ‘Third and fourth periodic reports of States parties due in 2005, Libyan Arab Jamahiriya’, CRC/C/LBY/3-4, 2 June 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/4>

800-2005-2009 average, UNICEF, ‘Libya: Statistics’, http://www.unicef.org/infobycountry/laj_statistics.html

801-United Nations Agencies Contribution to the UPR for Libya, undated, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LY/UNcontribution_JS.pdf

802-Committee on the Rights of the Child, ‘Third and fourth periodic reports of States parties due in 2005, Libyan Arab Jamahiriya’, CRC/C/LBY/3-4, 2 June 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/4>

803-Committee on the Rights of the Child ‘Summary Record of the 876th Meeting, 27 May 2003, Thirty Third Session, Committee on the Rights of the Child, Consideration of Second Periodic Report of Libyan Arab Jamahiriya’, CRC/C/SR/876, 3 July 2003

804-US Department of State, ‘2010 Country Reports on Human Rights Practices’, 8 April 2011, Libya Country Report available at: <http://www.state.gov/g/drl/rls/hrrprt/2010/nea/154467.htm>

805-UNICEF, ‘Libya Statistics’, http://www.unicef.org/infobycountry/laj_statistics.html#73

806-UN Agencies Contribution to the UPR for Libya, undated, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LY/UNcontribution_JS.pdf



middle-income country, however, Libya has a relatively high rate of stunting (21 per cent).⁸⁰⁷

2.6 Status of the Right to Health

The right to free health care as a human right is enshrined in the Health Act No. 106 of 1973. Article 50 of the Act provides that: “Access to medical treatment and related services in State-run hospitals, clinics and therapy units of all types and designations is the established right of each and every citizen on a basis of equality”. Article 3 of the Health Act also provides that: “The Ministry of Health shall provide full preventive health services and treatment for young people such as to ensure that the new generation is sound in body, mind and soul”.⁸⁰⁸ Article 4 of the Child Protection Act No. 5 furthermore stipulates that “Health facilities of all levels shall be responsible for providing children with the necessary vaccinations and inoculations, free of charge”.⁸⁰⁹ The government allocates approximately 7.5 per cent of its general budget to health care.⁸¹⁰

The country has a low HIV/AIDS prevalence rate. Treatment and medicine are provided to patients free of charge. There are reportedly 24 children living with HIV/AIDS.⁸¹¹ In its 2003 Concluding Observations, the Committee noted with concern the lack of information available in relation to adolescent health, particularly in relation to mental health issues. Available information suggests that Libya has not made progress in addressing this concern.

2.7 Status of Child Rights under Emergencies

Libya is the only North African state not to have ratified the UN 1951 Refugee Convention and its 1967 Protocol. It is a State party to the African Union’s 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa.

The conflict, which started in February 2011, illustrates that the protection of civilians under emergencies is a major concern in Libya: reported use of cluster bombs, sea and land mines, aerial bombing raise concerns about apparent disregard for protection of children.⁸¹² Children are also at risk of being recruited or coerced into participating in armed forces. Children as young as eight may have suffered sexual assaults, including rape, amid the worsening conflict across the country, according to accounts given to Save the Children UK.⁸¹³ The conflict has also resulted in breaches of rights of children to education and health. According to UNICEF, with schooling being compulsory from age 6 to 15, there are likely to be over a million children currently suffering from the prolonged disruption to their education.⁸¹⁴ In the medium to longer term a significant impact on the general health status of children in conflict affected can also be expected as a result of being unable to access to basic health services. The mental health of children may also have been severely affected with reports of children witnessing extreme violence, with no recourse to psycho-social services and treatment.

3. Stakeholder Analysis

3.1 Government

The Higher Committee for Child Welfare was established and constituted by General People’s Committee Decision No. 100 of 1998 and reconstituted pursuant to General People’s Committee Decision No. 142 of

807-2003-2009 estimates, UNICEF, ‘Libya Statistics’, http://www.unicef.org/infobycountry/laj_statistics.html#73

808-Committee on the Rights of the Child, ‘Third and fourth periodic reports of States parties due in 2005, Libyan Arab Jamahiriya’, CRC/C/LBY/3-4, 2 June 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/426/98/PDF/G1042698.pdf?OpenElement>

809- Human Rights Council, ‘National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Great Socialist People’s Libyan Arab Jamahiriya’, A/HRC/WG.6/9/LBY/1, 24 August 2010

810-Committee on the Rights of the Child, ‘Third and fourth periodic reports of States parties due in 2005, Libyan Arab Jamahiriya’, CRC/C/LBY/3-4, 2 June 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/426/98/PDF/G1042698.pdf?OpenElement>

811-2008 figures, Ibid.

812-UN OCHA, ‘Regional Flash Appeal for the Libyan Crisis’, 18 May 2011 <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbm90ZWN0aW9uY2x1c3RlcmlhGd4OjYwOTljZDg1NjFiZTFiYzM>

813-The Guardian, ‘Libyan children suffering rape, aid agency reports’, 23 April 2011, <http://www.guardian.co.uk/world/2011/apr/23/libyan-children-suffering-rape>,

814-UN OCHA, ‘Regional Flash Appeal for the Libyan Crisis’, 18 May 2011 <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbm90ZWN0aW9uY2x1c3RlcmlhGd4OjYwOTljZDg1NjFiZTFiYzM>



2006.815 The Higher Committee and its regional branches are mandated to develop child welfare plans, coordinate programmes and monitor the implementation of the Convention. Since 2006 the General People's Congress of Social Affairs is the only governmental institution coordinating child issues through the Childhood Care Directorate, represented in 22 governorates.⁸¹⁶ The General Social Solidarity Fund Authority is in charge of the process of supervising and monitoring residential social care institutions for children who are orphaned or without social support and who are prevented by circumstance from living with their families. In total, 26 governmental and para-governmental institutions are working in child rights.⁸¹⁷ Further investigation is needed to assess coordination mechanisms between the different bodies working on child rights and to assess their work.

3.2 Civil Society

The regulatory environment is severely restrictive with the government suppressing the establishment of truly independent organisations. Human Rights Watch reports that Libya has no independent non-governmental organisations (NGOs) and Libyan laws severely restrict freedom of association, with Law 71 banning any group activity opposing the ideology of the 1969 revolution, and the penal code imposing the death penalty on those who join such groups.⁸¹⁸ Law 19 governs the formation of civil society groups and gives the state wide-reaching authority to suspend organisations without cause.

There are a few charitable associations operating within Libya, and presumably enjoying government support, and offering services to children, including Waatasemu Charity Association, which operates a government-sponsored hotline for victims of violence. The UN reports that there are more than 30 NGOs providing services to children or engaged in child issues.⁸¹⁹ In September 2010, at a regional forum on civil society development in Tripoli, independent lawyers and journalists called for a revision of Law 19, stating that it grants security services undue authority to reject applications to form civil society organisations.⁸²⁰



815-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Great Socialist People's Libyan Arab Jamahiriya', A/HRC/WG.6/9/LBY/1, 24 August 2010, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LY/A_HRC_WG.6_9_LBY_1_Libya_E.pdf

816-UN Agencies Contribution to the UPR for Libya, undated, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LY/UNcontribution_JS.pdf

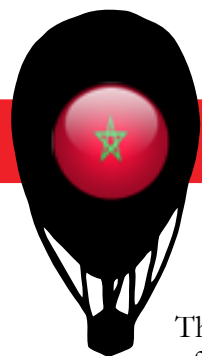
817-Ibid.

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

819-UN Agencies Contribution to the UPR for Libya, undated, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LY/UNcontribution_JS.pdf

820-US Department of State, '2010 Country Reports on Human Rights Practices', 8 April 2011, Libya Country Report available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm>





Morocco Country Profile

1. Country Overview

1.1 Demographic Profile

The Kingdom of Morocco, located in the Maghreb region is bordered in the north by the Strait of Gibraltar, in the east by Algeria, in the south by Mauritania. The total population of country is nearly 32 million, with an estimated 11 million under the age of 18, and 3.1 million under the age of 5.⁸²¹

Morocco is home to a large Amazigh or Berber population. Although exact composition of the population is not known, it is estimated that more than 60 per cent of the population claim Amazigh heritage, including the royal family.⁸²² There are an estimated 49,000 international migrants in Morocco, out of which nearly half are female.⁸²³

1.2 Socio-economic Developments

Morocco is a lower middle income country. Throughout the past decades, Morocco has pursued a programme of social and human development, and has attained steady gains in poverty reduction. Between 2000 and 2006, poverty rate dropped from 15 to 9 per cent.⁸²⁴ Despite progress in socio-economic indicators, Human Development Index (HDI) is relatively low, with the country ranking 114 out of 169 countries with comparable data.⁸²⁵ Per capita income averages \$2,850.⁸²⁶ Rural communities in particular suffer from high poverty rates, and the National Initiative for Human Development was launched in 2005 to reduce rural-urban disparities.⁸²⁷ Similarly to other Arab countries, youth unemployment is high at 22 per cent.⁸²⁸ In a poverty assessment conducted by the World Bank in 2007, youth named unemployment as a major issue impacting upon their lives and their country as a whole and linked unemployment to poverty, crime, terrorism, and drug abuse.⁸²⁹

1.3 Political Developments and Human Rights Record

Morocco is a constitutional monarchy with an elected parliament. There has been some economic, political and social liberalisation since the coming of power of Mohammed VI in 1999. A truth committee, the Equity and Reconciliation Commission, was set up and produced a comprehensive report in November 2005 outlining human rights violations during the period 1956 to 1999.⁸³⁰ In addition, the country has made great strides in reducing gender discrimination through legislative reforms, namely the 2004 Family Code, the Nationality Law and the Law on Civil Registration.

Human Rights Watch states that despite a lively civil society and independent press, the country presents mixed picture on human rights, with authorities using repressive legislation to punish peaceful opponents.⁸³¹ Controls remain particularly tight in the disputed Western Sahara region, which Morocco administers as if it were part of its national territory, while the pro-independence Polisario Front (Popular Front for the Liberation of the Saguia al-Hamra and Rio de Oro) demands a public referendum that includes the option of independence. The U.S. Department of State 2009 Country Report on Human Rights Practices for Western Sahara states that Moroccan security

821-2009 figures, UNICEF, 'Morocco: Statistics', http://www.unicef.org/infobycountry/morocco_statistics.html

822-US Department of State, '2010 Country Reports on Human Rights Practices', 8 April 2011, Morocco Country Report available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154468.htm>

823-2010 estimate, United Nations Population Division, 'International Migrant Stock: 2008 Revision' <http://esa.un.org/migration/p2k0data.asp>

824-World Bank, 'Country Brief Morocco', available on World Bank website www.worldbank.org

825-UNDP, 'Morocco: Country Profile of Human Development Indicators'

<http://hdrstats.undp.org/en/countries/profiles/MAR.html>; in <http://hdr.undp.org/en/statistics/>, Morocco is ranked as 116.

826-2010 estimates, Gross National Income per capita, Atlas method (current US\$), World Bank, 'Morocco Data', <http://data.worldbank.org/country/morocco>

827-More information on rural poverty reduction programmes can be found on the website www.indh.ma

828-2009 figures, World Bank 'Morocco Data', <http://data.worldbank.org/country/morocco>

829-World Bank 'Moving Out Of Poverty in Morocco', July 2007

830-Council of Ministers European Commission, 'EU Annual Report on Human Rights', 2006

831-Human Rights Watch, 'World Report 2011: Events of 2010', 24 January 2011



forces occasionally engage in torture, beatings, excessive use of force, and other mistreatment of detainees.⁸³²

In March 2011, faced with increasing protests calling for political reforms, King Mohamed VI announced a broad package of reforms, including constitutional amendments, a more independent judiciary, and reforms of local elections.

1.4 Society and Culture in regards to Children

Respect for the views of the child remains limited owing to traditional societal attitudes towards children on the part of schools, courts, administrative bodies and, especially, the family.⁸³³ Despite legislative progress in reducing gender inequality, gender stereotyping is still strong in Morocco. Girls from rural communities for example feel “their parents devalue their education since they were only destined for marriage and motherhood, and prevented them from attending school”, states the World Bank.⁸³⁴ A large number of children are vulnerable, especially children born out of wedlock and children living in disabilities. According to a study by the United Nations Children’s Fund (UNICEF) and the Moroccan League for Child Protection, some 6,480 Moroccan babies were abandoned at birth in 2008 – representing between 1 and 2 per cent of all births in the country.⁸³⁵

Children of Amazigh heritage cannot always exercise their rights to their own culture, although there have been vast improvements in the last decade. In 2010, authorities began to register traditional Amazigh names of children; they had previously declined to register non-Arab names, thereby not respecting the right of minorities to the preservation of their own identity.⁸³⁶

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

The United Nations (UN) Convention on the Rights of the Child (Convention) was signed by Morocco on 26 January 1990 and ratified on 21 June 1993. Upon ratification, the country expressed an interpretative declaration of Article 14, “in light of the Constitution which provides that Islam, the State religion, shall guarantee freedom of worship for all, and Article 54 of the Family Code which stipulates that parents owe their children the right to religious guidance and education based on good conduct”.⁸³⁷ In 19 October 2006, the Government of Morocco informed the Secretary-General that it had decided to withdraw the reservation made with regard to article 14.

Morocco submitted the initial report on the implementation of the Convention to the Committee on the Rights of the Child (Committee) on 27 July 1995, and the Second Periodic Report on 4 September 2000. Espace Associatif submitted a supplementary report on the implementation of the Convention.⁸³⁸ Morocco’s combined third and fourth periodic report were due on 20 January 2009, but as of June 2011 have yet to be submitted.⁸³⁹

Since the Committee issued its Concluding Observations on the second periodic review on 10 July 2003, Morocco has made progress in aligning its national laws to the principles of the Convention.

832-U.S. Department of State ‘Country Report on Human Rights Practices: Western Sahara’, 2009, <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136076.htm>

833-Committee on the Rights of the Child ‘Concluding observations of the Committee on the Rights of the Child: Morocco’, CRC/C/15/Add.211, 10 July 2003

834-World Bank ‘Moving Out Of Poverty in Morocco’, July 2007

835-Study quoted in UNICEF ‘Morocco: Statistics’ http://www.unicef.org/infobycountry/morocco_55422.html

836-US Department of State, ‘2010 Country Reports on Human Rights Practices’, 8 April 2011, Morocco Country Report available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154468.htm>

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

838-Supplementary report available at <http://www.bettercarenetwork.org/resources/infoDetail.asp?ID=3506&flag=legal>

839-United Nations Treaty Collection, Status of Reporting, <http://www.unhcr.ch/tbs/doc.nsf/NewhwVAlSPRByCountry?OpenView&Start=1&Count=250&Expand=117.8#117.8>



The 2004 Moroccan family law (called the *Moudawana*) recognises the right of children born out of wedlock to have a name of the mother and goes far in reducing de jure discrimination against children born out of wedlock (Article 146 states that “Filiation to the mother produces the same effects regardless of whether the children are the result of a legitimate or illegitimate relationship”).⁸⁴⁰ The new family law also sets the age of marriage at 18 for boys and girls, and allows Moroccan woman married to non-Moroccan to transmit nationality to her children. Following up on the Committee’s recommendation to expedite child planning process, a national action plan entitled ‘A Morocco fit for its children, 2006-2015’ has been drafted.⁸⁴¹ Information on its implementation, and resources allocated for the implementation of the Convention, is not widely available.

The Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography (OPSC) was ratified on 2 October 2001, and the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) was ratified on 22 May 2002. Morocco submitted its Initial Report on the OPSC on 28 June 2004. Foundation Terre des Hommes - Lausanne submitted an alternative report on the OPSC in September 2005.⁸⁴² The Committee issued its Concluding Observations on the OPSC report on 17 March 2006. The initial report on the implementation of the OPAC was submitted on 19 February 2010, nearly six years after its due date.⁸⁴³

2.2 Regional and International Human Rights Instruments

Morocco has acceded all the major United Nations conventions on human rights, namely: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (1979), the International Convention on the Elimination of All Forms of Racial Discrimination (1970), the Convention on the Elimination of All Forms of Discrimination Against Women (1993), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1993), and the Convention on the Protection of Migrant Workers and Members of their Families (1993) and Convention on the Rights of Persons with Disabilities (2009).

Morocco has also signed a number of regional human rights agreements. It agreed to the ‘Cairo Declaration on Human Rights in Islam’ issued in 1990 by foreign ministers of countries members of the Organisation of the Islamic Conference (OIC), a guiding document that does not require ratification.⁸⁴⁴ Morocco has also signed the (Amended) Arab Charter of Human Rights prepared by the Arab Summit in Tunisia in May 2004, but did not ratify it.

During the UN Human Rights Council Universal Periodic Review (UPR) of Morocco, held in April 2008, a number of delegations requested information on actions taken to promote and implement child rights, including steps to ensure that national legislation is conform to the Convention. Nevertheless, no child rights recommendations were made.⁸⁴⁵

2.3 Status of the Right to Protection

Since the Committee issued its Concluding Observations in 2003, Morocco has put in place a number of legislative, policy and institutional measures to better protect children from abuse, sexual exploitation, violence and neglect. The National Action Plan for Childhood 2006-2015 explicitly aims to progress towards the realisation of the right of children to protection.⁸⁴⁶

840-Unofficial English translation of the 2004 Family Law is available at http://www.globalrights.org/site/DocServer/Moudawana-English_Translation.pdf

841-Human Rights Council, ‘National Report Submitted in Accordance with Paragraph 15(A) of the Annex to Human Rights Council Resolution 5/1: Morocco’, A/HRC/WG.6/1/MAR/1, 11 March 2008

842-Foundation Terre des Hommes Lausanne, ‘Rapport de la section Maroc du Groupe des ONG pour la Convention relative aux droits de l’enfant’, 1 September 2005 <http://www.bettercarenetwork.org/resources/infoDetail.asp?ID=6715&flag=legal>

843-United Nations, Treaty Collection, Status of Reporting. The periodic report is still not available on its website.

844-OIC, ‘Cairo Declaration on Human Rights in Islam’, 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,3ae6b3822c,0.html>

845-Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review: Morocco’ A/HRC/8/22, 22 May 2008

846-The National Action Plan for Childhood is available (in French) at UNICEF website http://www.unicef.org/morocco/french/rapport_unicef_ok.pdf



In addition, in line with the Committee's recommendations, reforms to the family law enacted in 2004 have raised the minimum age of marriage for women from 15 to 18.⁸⁴⁷ However, with judges still allowed to authorise marriages before that age, including girls as young as 13, without any mandatory legal conditions having been fulfilled,⁸⁴⁸ incidences of early marriage are on the rise. Between 2009 and 2010, the number of child marriages increased by nearly 3,000, with a total of 33,253 early marriages recorded.⁸⁴⁹

Morocco has not made progress in implementing the 2003 Committee's recommendation to take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and in institutions. Corporal punishment is lawful in the home, and provisions against violence and abuse, as provided for in the Penal Code and 2004 Family Code are not interpreted as prohibiting corporal punishment of children.⁸⁵⁰ Although corporal punishment is not permitted,⁸⁵¹ there are reports that violence in schools is rampant; according to one report, at least 1000 cases of violence in schools nationwide were recorded in Morocco in 2009, the majority of cases consisted of corporal punishment.⁸⁵² Widespread violence is also reported in government run orphanages and care institutions with physical punishment being the most practiced disciplinary measure, according to a report by the Moroccan Ministry of Justice.⁸⁵³

Sexual and economic exploitation of children remains a critical challenge facing the country. There are reports that Moroccan girls as young as 6 or 7 years old from rural communities are recruited to work as child maids in cities, and often experience conditions of forced labour, such as non-payment of wages, threats, and physical or sexual abuse, and restrictions on movement, while Moroccan boys experience forced labour as apprentices in the artisan and construction industries and in mechanic shops.⁸⁵⁴ In its 2006 Concluding Observations regarding Morocco's implementation of the OPSC, the Committee welcomed the 2003 amendment to the Penal Code introducing the crime of 'sex tourism'.⁸⁵⁵ It expressed its concerns however that despite this legislative advance, child prostitution and sex tourism, especially of boys, continues to be a problem. Children living in streets are particularly vulnerable to prostitution and economic exploitation.

Trafficking in persons is prohibited under Moroccan Law: Article 467 of the Penal Code prohibits forced child labour, and Articles 497-499, forced prostitution and prostitution of a minor;⁸⁵⁶ the 2003 Immigration and Emigration Act also penalises, perpetrators and those, including government officials, who are involved in or who fail to prevent trafficking in persons are fined or imprisoned, with penalties ranging from 6 months to 20 years imprisonment and the forfeiture of assets. Although the government is making progress in investigating trafficking offenses and punishing trafficking offenders, penalties for labour trafficking offenses appear not to be sufficiently stringent; penalties for child labour under Article 467 range from one to three years' imprisonment.⁸⁵⁷ Legislative measures, such as enactment of comprehensive anti-trafficking legislation with more stringent

847-Human Rights Watch, 'Events of 2008: Morocco/Western Sahara', 2009 <http://www.hrw.org/en/node/79248>

848-Committee on the Elimination of Discrimination against Women 'Concluding observations of the Committee on the Elimination of Discrimination against Women: Morocco', CEDAW/C/MAR/CO/4, 1 February 2008

849-Maghreb24, 'Underage marriages increase in Morocco', 26 January 2011, http://www.maghreb24.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2011/01/26/feature-03

850-Global Initiative to End All Corporal Punishment of Children, 'Morocco Report' February 2010, <http://www.endcorporalpunishment.org/pages/progress/reports/morocco.html>

851-Ibid.

852-Algeria News, 'Morocco: Violence in schools reaches alarming proportions', 8 October 2010, <http://news.marweb.com/algeria/social/morocco-violence-in-schools-reaches-alarming-proportions.html>

853-UNICEF and Moroccan Ministry of Justice, 'Violence against Children Morocco', (French) 2006

854-US Department of State, 'Trafficking in Persons Report 2011', June 2011, <http://www.state.gov/g/tip/rls/tiprpt/2011/164232.htm>

855-Committee on the Rights of the Child, 'Concluding Observations: Morocco', CRC/C/OPSC/MAR/CO/1, 17 March 2006, [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/818164b12256446ac125715600312c76/\\$FILE/G0641027.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/818164b12256446ac125715600312c76/$FILE/G0641027.pdf)

856-US Department of State, 'Trafficking in Persons Report 2010 – Morocco', 14 June 2010

857-Ibid.



penalties for forced labour is needed, while victims need to be provided with rehabilitation services.

Birth registration also remains a critical issue in Morocco. In its 2003 Concluding Observations, the Committee recommended that State party ensure effective implementation of the May 2000 Law on birth registration, supported by awareness raising campaigns, in order to achieve “100 per cent birth registration by May 2008”.⁸⁵⁸ Despite a series of awareness raising campaigns, birth registration has remained at 85 per cent.⁸⁵⁹

Limited information is available about children’s rights in Western Sahara. There appears to be limited disaggregated data and very few non-governmental organisations are active there. Although more research is needed, there appears to be no situation analysis of the particular protection challenges faced by children in the territory.

2.4 Status of the Right to Education

Article 13 of the Constitution provides for compulsory, free, and universal education. Non-discrimination is enshrined in the Constitution, which stipulates “All citizens shall have equal rights in seeking education.” Decree No. 1-63-071 of 13 November 1963 made education compulsory for children from 7-13 years of age. The Act N. 04 of 2000 amended the age of compulsory education to six. Under this Act, the State guaranteed the provision of education free of charge in the school closest to the child’s place of residence.⁸⁶⁰ The government has put in place an ambitious decade-long education reform programme (2000-2009 Charter for National Education and Training, which was followed in 2009 by an Emergency Plan to accelerate reforms), and has substantially increased budget allocation to education. A high 26 per cent of government budget was allocated to education in 2010, up from 7 per cent in 2004.⁸⁶¹

The right of Amazigh children to their culture and identity is being strengthened, with the government offering Berber Amazigh language classes in the curriculum of 3,470 schools in 2010, with the language offered varying according to the main dialect spoken in each region.⁸⁶²

The right to education of persons with disabilities is enshrined in the Constitution and is the subject of laws and regulations, including Act No. 7-92 on the welfare of disabled persons, Decree No. 05-81 on the welfare of the blind and visually impaired and Decree No. 10-03 on accessibility.⁸⁶³ Despite Articles 142 and 143 of the National Education and Training Charter which requires schools are to ensure physical accessibility for children living with disabilities and to set up programmes and supervision, enrolment rate for children with disabilities is only one third of the rate for able-bodied children.⁸⁶⁴ In Morocco, there are around 230,000 disabled children aged 4 to 15, who present different types of disability and of whom 74,730 are in school.⁸⁶⁵

Despite investments in the sector, quality, efficiency, and gender and geographical disparities remain serious challenges, with numerous children, mainly rural girls, out of school.⁸⁶⁶

858-Committee on the Rights of the Child, ‘Concluding Observations: Morocco’, CRC/C/15/Add.211, 10 July 2003, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/428/96/PDF/G0342896.pdf?OpenElement>

859-2000-2009 average, UNICEF, ‘Morocco Statistics’, http://www.unicef.org/infobycountry/morocco_statistics.html

860-Committee on the Economic, Social, and Cultural Rights, ‘Third Periodic Report to the Committee on Economic, Social, and Cultural Rights: Government of Morocco’, E/1994/104/Add.29, 17 January 2005

861-Save the Children Sweden and IBCR, ‘Violence Against Children in Schools: A Regional Analysis of Lebanon, Morocco and Yemen’, Draft Version, 2011

862-US Department of State, ‘2010 Country Reports on Human Rights Practices’, 8 April 2011, Morocco Country Report available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154468.htm>

863-Human Rights Council ‘Report of the Special Rapporteur on the Right to Education: 27 November-5 December 2006’, A/HRC/8/10/Add.2, 6 May 2008

864-Ibid.

865-2004 figures, Human Rights Council ‘Report of the Special Rapporteur on the Right to Education’ 27 November-5 December 2006’, A/HRC/8/10/Add.2, 6 May 2008

866-World Bank ‘Moving Out Of Poverty in Morocco’, July 2007



Net primary school enrolment rates have been increasing rapidly – reaching 87 per cent for girls and 92 per cent for boys. However, net secondary school rates are still extremely low, 37 per cent for boys and 32 per cent for girls.⁸⁶⁷ The Special Rapporteur on the Right to Education has identified a number of constraints that need to be addressed urgently for education for all to become a reality, namely the high dropout and illiteracy rates and exclusion of vulnerable groups of children – disabled children, street children and working children – from education.⁸⁶⁸ Girls from impoverished households in rural communities are far likelier to leave school at an early age, especially when nearby schools are lacking.

Early childhood care and education remains a challenge. In contrast to other Arab countries which have experienced an increase in pre-primary school gross enrolment rates over the past decade, Morocco is witnessing a decline. Between 1998 and 2008, gross pre-school enrolment ratio dropped from 67 to 57 per cent.⁸⁶⁹ This situation can be partially attributed to national education policies which have “encouraged the private sector without appropriate regulation and control on fees; and the inability of the Ministry of Education to establish a preschools infrastructure particularly in rural areas”, according to the United Nations Educational, Scientific and Cultural Organisation (UNESCO).⁸⁷⁰

2.5 Status of the Right to Survival and Development

The right to child development is enshrined in Articles 54 and 510 of the Penal Code where it is stated that parents and custodial parents must ensure the protection and the right to the child to develop properly.

The country has made vast improvements in reducing child and infant mortality rates: between 1990 and 2009, under-5 mortality rate decreased from 89 (per 1,000 live births) to 38, while under-1 mortality rate declined from 69 to 33.⁸⁷¹ The government ascribes the reduction in mortality rates to improved immunisation coverage and enhanced services for tackling diarrhoea and acute respiratory infections.⁸⁷² One of the most important advances recorded in the area of child health is the expansion of vaccination programmes, with a near universal coverage: in 2009, 98 per cent of one-year-old children were immunised against measles and 99 per cent against DPT (diphtheria, pertussis and tetanus) and polio.⁸⁷³

However, despite this improvement, mortality rates are still high by regional standards. Worryingly, significant geographical and income disparities persist: under-five mortality rates are three times as high for the poorest quintile as for the richest, and infant mortality rates are more than twice as high,⁸⁷⁴ most likely due to limited availability and affordability of health services, combined with persistence of malnutrition. To address micro-nutrient deficiencies, the Ministry of Health has since 2000 implemented a number of programmes including nutrition education initiatives, supplementation programmes for pregnant and lactating women, and flour and iodine fortification. Anaemia still affects 32 per cent of children under five and vitamin A deficiency affects 41 per cent of children under six.⁸⁷⁵

867-2005-2009 estimates, UNICEF, ‘Morocco: Statistics’, http://www.unicef.org/infobycountry/morocco_statistics.html

868-Human Rights Council ‘Report of the Special Rapporteur on the Right to Education 27 November-5 December 2006’, A/HRC/8/10/Add.2, 6 May 2008

869-UNESCO, Institute of Statistics, ‘Enrolment Ratios by ISCED Levels’, <http://stats.uis.unesco.org/unesco/TableViewer/tableView.aspx?ReportId=182>

870- UNESCO, ‘EFA Regional Report for the Arab States: 2011’, 2011

871-2009 figures, UNICEF, ‘Morocco: Statistics’, http://www.unicef.org/infobycountry/morocco_statistics.html

872-Kingdom of Morocco, ‘Plan d’Action National Pour l’Enfance 2006-2015: Maroc digne de ses enfants’, (French), 2006

873-UNICEF, ‘Morocco: Statistics’, http://www.unicef.org/infobycountry/morocco_statistics.html

874-World Bank, ‘Sustaining Gains in Poverty Reduction and Human Development in the Middle East and North Africa’, 2006

875-Kingdom of Morocco, ‘Plan d’Action National Pour l’Enfance 2006-2015: Maroc digne de ses enfants’, (French), 2006



2.6 Status of the Right to Health

In 2008, the government allocated five per cent of its budget to health care.⁸⁷⁶ Investment in health care however is not commensurate with health outcomes. Morocco has one of the highest inequalities in access to health care in the Arab region. In 2003, in its review of Morocco's periodic report, the Committee urged Morocco to better coordinate policies and programmes to improve and protect the health situation of children, and to tackle important disparities between rural and urban areas regarding access to health services. Since the Committee issued its recommendations, a number of reforms have been put in place, including compulsory health insurance, regionalisation law and hospital reforms.⁸⁷⁷

Major health-related issues include access to health care for children living with disabilities and adolescents' access to reproductive health care treatment and information. Although the law prohibits discrimination against persons with disabilities in access to health care; however, the government generally did not effectively enforce these provisions.⁸⁷⁸ The number of people living with HIV/AIDS is on the increase, 21,000 cases were reported in 2008.⁸⁷⁹ In its Concluding Observations of 2003, the Committee praised the adoption of the National Strategic Plan to fight HIV/AIDS, and recommended Morocco to increase its efforts to prevent HIV/AIDS. In response to the Committee's recommendations, the Moroccan government renewed its National Plan to Fight against AIDS, and its 2007-2011 is far more comprehensive including guaranteed access to anti-retroviral (ARVs) drugs, with an annual allocation of \$2.6 million; in addition to which a national youth strategy on HIV and sexual and reproductive health has been developed by the Ministry of Youth.⁸⁸⁰ Morocco now has the most organised Sexually Transmitted Infections/HIV surveillance system in the region.⁸⁸¹

2.7 Status of Child Rights under Emergencies

The 2003 Emigration and Immigration law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol. It provides for the rights of asylum seekers and the temporary residency of persons who do not qualify for refugee status or asylum. The country however has yet to adopt national refugee legislation and to establish asylum procedures consistent with international standards.⁸⁸² With support of the United Nations Refugee Agency (UNHCR), the Ministry of Justice is now implementing a programme for the promotion of refugee law.⁸⁸³

Morocco is vulnerable to natural disasters, having suffered through 32 events during the period 1980-2010, affecting on average 17,000 persons per year.⁸⁸⁴ However, disaster risk reduction planning and strategising are still in its early stage in Morocco. The United Nations Development Programme (UNDP) is supporting the government to prepare a National Strategy for Disaster Prevention and Preparedness, and is supporting the Ministry of Environment to set up flood and drought warning systems in the Oases regions.⁸⁸⁵ Further research is needed on the extent to which child-specific vulnerabilities and child participation mechanisms are being integrated into national planning.

876-WHO 'Country Profile Morocco', <http://www.emro.who.int/emrinfo/index.aspx?Ctry=mor>

877-World Bank, 'Health Financing and Management Project Implementation and Completion Project Report', September 2007

878-US Department of State, '2010 Country Reports on Human Rights Practices', 8 April 2011, Morocco Country Report available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154468.htm>

879-WHO 'Country Profile Morocco', <http://www.emro.who.int/emrinfo/index.aspx?Ctry=mor>

880-IPPF, 'Report Card on HIV Prevention for Girls and Young Women Report Card', undated, http://www.unfpa.org/hiv/docs/report-cards/morocco_en.pdf

881-Population Reference Bureau, 'Facts of Life: Youth Sexuality and Reproductive Health in MENA', 2011

882-UNHCR, '2011 Regional Operations Profile - North Africa', <http://www.unhcr.org/pages/49e4860d6.html>

883-Ibid.

884-PreventionWeb, 'Morocco - Disaster Statistics', <http://www.preventionweb.net/english/countries/statistics/?cid=116>

885-UNDP, 'Crisis Prevention and Recovery', <http://arabstates.undp.org/subpage.php?spid=32>



3. Stakeholder Analysis

3.1 Government

A number of government ministers have specialised division or department working on child rights, including the Ministry of Social Development, Family and Solidarity (Childhood Division) and the Ministry of Youth and Sport (Division of Youth, Children and Women Affairs), the Ministry of Interior (Juvenile Liaison Officers). Ministries of Justice, Interior, Education, Higher Education, Executives Training and, Employment and Vocational Training and Health are all involved in programmes impacting upon child rights. The Inter-Ministerial Commission for Children, chaired by the Prime Ministers, is the main coordination body, although its relations to the Office of the Secretary of State for Family Affairs and Social Welfare, which was established to coordinate all actions regarding children, is unclear. The National Observatory for Child Rights has also taken on the role of monitoring the implementation of the Convention on the Rights of the Child. The Observatory also provides services to children victims of violence. In 2000, it set up a counselling centre and a national hotline which is responsible for the reception and referral of children victims of violence, including those requiring a legal, medical or psychosocial intervention.

3.2 Civil Society

Morocco has a vibrant civil society, with an estimated 45,000 civil society organisations (CSOs), including charitable organisations, human rights organisations, women's organisations and youth groups. Many of them are actively involved in policy, advocacy and campaigning work related to child rights and offer services to vulnerable children, such as children living in the streets. A number of networks have also been set up including two networks of organisations working on HIV/AIDS, although there is no network exclusively for girls and women living with HIV/AIDS.⁸⁸⁶ Authorities generally do not hamper with CSOs operating in Morocco, although restrictions are tight in the disputed Western Sahara, and Moroccan authorities bar most activities they consider advocacy for an independent Western Sahara, invoking provisions of Moroccan law that criminalise attacks on the country's 'territorial integrity'.⁸⁸⁷

Programmes implemented by the government, CSO, and UN agencies are also promoting the active participation of children in national planning process. In May 2011, the government initiated a three-day Youth National Meeting – the first of its kind – to play an active role in drafting a national youth strategy. The event, which brought together more than 845 young people who wanted to make their voices heard, followed upon UNICEF-supported creation of Regional Youth Forum in 16 Moroccan regions in 2010.⁸⁸⁸

International non-government organisations (INGOs) working on child rights and projects include International Handicap, working with people living with disabilities, with a specific component for children, Terre des Hommes, which runs project including with child domestic workers, CARE which runs educational projects in rural areas, and Save the Children Spain, supporting networks focusing on protection against sexual abuse, education and children participation.

886-IPPF, 'Report Card on HIV Prevention for Girls and Young Women Report Card', undated, http://www.unfpa.org/hiv/docs/report-cards/morocco_en.pdf

887-Human Rights Watch 'Morocco: Allow Free Expression in Western Sahara', January 7 2008

888-UNICEF, 'Young Moroccans work with the Government to Draft Youth-Centred policies', 25 May 2011, available at http://www.unicef.org/infobycountry/morocco_58665.html





Occupied Palestinian Territory

1. Country Overview

1.1 Demographic Profile

The occupied Palestinian territory (oPt) is located on the eastern coast of the Mediterranean Sea and comprises two non-contiguous areas, the West Bank and Gaza. The West Bank, which lies west of Jordan and is bordered by Israel to the north, west, and south, has an estimated population of 2.58 million, and Gaza, which is bordered by Israel to the north, west and south, has an estimated population of 1.59 million.⁸⁸⁹ As of mid-2011, children under 14 constitute nearly 41 per cent of the total population in the oPt.⁸⁹⁰

The oPt has a large Palestinian refugee population, refugees registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) number 788,000 in the West Bank, and 1.1 million in Gaza.⁸⁹¹ The share of refugee population that resides in camps in the West Bank and Gaza is 25 per cent and 46 per cent respectively.⁸⁹² There is a large Palestinian Diaspora community: in 2008 there were 10.5 million Palestinians worldwide, constituting the world's largest refugee population.⁸⁹³

1.2 Socio-Economic Developments

Following the 1993 Oslo Accords between the Palestinian Liberation Organisation (PLO) and Israel, it was expected that the Palestinian economy would enter a period of rapid growth. The outbreak of the second *intifada* (upsurge) in September 2000, which was followed by a tightening of the closure regime by Israel, including sealing off of borders and physical obstacles such as checkpoints, roadblocks and gates, pushed the economy into a deep crisis, with the country now experiencing on the highest unemployment rates in the world, reports the World Bank.⁸⁹⁴ The deterioration in living conditions has been particularly sharp in Gaza, which has been practically cut off from the rest of the world since the June 2007 Hamas takeover, and where unemployment is now at nearly 44 per cent.⁸⁹⁵ The blockade of Gaza, combined with the devastating effects of major military invasions by Israel⁸⁹⁶, has led to food, power and water shortages, the degradation of public infrastructure and utilities, and a general decline in the quality of vital public services.

Since 2008, the Palestinian economy has been growing, with real Gross Domestic Product (GDP) growth reaching nine per cent in 2010, mainly driven by donor aid. In 2009, however, real per capita GDP was still close to 30 per cent, below its height in 1999.⁸⁹⁷ In 2009, over a fifth of the population lived in poverty, with social assistance playing a crucial role in poverty reduction, particularly in Gaza where an astounding 71 per cent of the population benefiting from such assistance.⁸⁹⁸ Food insecurity rates continue to be high, reaching 52 per cent in Gaza and 22 per cent in the West Bank.⁸⁹⁹

889-As of mid-2011, Palestinian Central Bureau of Statistics, 'On the Eve of the International Population Day', 11 July 2011

890-Ibid.

891-As of 30 June 2010, UNRWA, 'UNRWA in Figures', <http://www.unrwa.org/userfiles/2011031065331.pdf>

892-Ibid.

893-UNDP, 'Human Development Report 2009/10 occupied Palestinian territory: Investing in Human Security for a Future State', 2010

894-World Bank, 'Mobility Restrictions and Labour Market Dynamics in Conflict Affected West Bank and Gaza', March 2011

895-Based on the relaxed definition of unemployment, which includes all persons aged 15 or over who are available for work but are without work, regardless of whether seeking or not seeking jobs, Palestinian Central Bureau of Statistics, 'Second Quarter 2010 Labour Force Survey', 2010

896-Since Israeli's unilateral disengagement from the Gaza Strip in September 2005, military engagements have included Operation Summer Rains (June 2006), Operation Autumn Clouds (November 2006), Operation Cast Lead (December 2008).

897-UNDP, 'Human Development Report 2009/10 occupied Palestinian territory: Investing in Human Security for a Future State', 2010

898-World Bank, 'Building the Palestinian State: Sustaining Growth, Institutions, and Service Delivery, Economic Monitoring Report to the Ad Hoc Liaison Committee', 13 April 2011

899-WFP oPt SitRep, May-June 2011



1.3 Political Developments and Human Rights Record

The situation in the oPt has been described as a crisis of human dignity in which the population is denied the basic rights to security, self-determination, movement, and access to employment and basic services.⁹⁰⁰ Israel has consistently refused to comply with its obligations under international law in relation to the situation in the territories that it has occupied since 1967. In his January 2011 report, the UN Special Rapporteur on the Palestinian territories occupied since 1967, focuses attention on concerns regarding the expansion of Israeli settlements, in particular in East Jerusalem, the consequences of the Israeli blockade of Gaza and the treatment of Palestinian children detained by Israeli authorities.⁹⁰¹ The Rapporteur remains convinced that Israeli settlements, including related infrastructure roads, buffer zones and the separation wall, continue to be the single most important obstacle to resuming the stalled peace talks between the Palestinian Authority (PA) and Israel.

In 2009, the PA announced its intention of being prepared for an independent state. The World Bank reports that the PA has been steadily implementing its reform agenda and is now deemed capable of managing a future state.⁹⁰² Although there have been vast improvements in tackling corruption and in the human rights record of the PA, continued violations continue to be noted by both the West Bank-based PA security services as well as the Hamas de facto administration in Gaza. The Palestinian Basic Law and the 1995 Press and Publication Law provide for freedom of the press and freedom to establish media outlets, and state that there should be no censorship. However, restrictions are allowed if press activity threatens 'national unity' and 'Palestinian values' and abuses have included violence, arrests, threats, and restrictions on distribution and broadcasting.⁹⁰³

1.4 Society and Culture in regard to Children

Children are valued in Palestinian society and a high worth is placed on their education. Nonetheless, for decades, due to the lack of functioning institutions to guarantee their rights, child rights have been neglected. With the passing of the Palestinian Child Law in 2004, a framework has been provided to form the basis of guaranteeing the rights of children. Children and adolescents however continue to be vulnerable to trauma due to the volatile political and security situation and constant rights violation by the Israeli army. Children in nearly a third of all families experience anxiety, phobia or depression.⁹⁰⁴ The realities of occupation and conflict profoundly threaten the long term physical, emotional and social well-being of children, states the UN.⁹⁰⁵

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

Israel, as occupying power, is the State party responsible for upholding the rights of the children of the oPt. The UN Convention on the Rights of the Child (Convention) was ratified by Israel on 3 October 1991, the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 18 July 2005, and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 23 July 2008.⁹⁰⁶ Israel submitted its initial report on the implementation of the Convention to the Committee on the Rights of the Child (Committee) in February 2001, and its combined second, third, and fourth periodic report in November 2010, two years after its due date.⁹⁰⁷ Alternative reports were submitted in 2002 by Defence for Children International - Israel,

900-UN 'Occupied Palestinian Territory Consolidated Appeals Process', 2009

901-Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, A/HRC/16/72, 10 January 2011

902-World Bank, 'West Bank and Gaza Country Brief', www.worldbank.org

903-Freedom House 'Freedom of the Press 2010 - Israeli-Occupied Territories and Palestinian Authority', 2010, <http://www.unhcr.org/refworld/docid/4ca5cc5d28.html>

904-UNICEF, 'At a Glance: Occupied Palestinian Territory', http://www.unicef.org/infobycountry/oPt_1535.html

905-UNDP, 'Human Development Report 2009/10 occupied Palestinian territory: Investing in human security for a future state', 2010

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

907-United Nations Treaty Collection, Reporting Status, <http://www.unhcr.ch/tbs/doc.nsf/NewhvVAllSPRByCountry?OpenVi>



Human Rights Watch, Hariri Foundation, and the Palestinian Coalition on the Rights of the Child.⁹⁰⁸ The Committee issued its Concluding Observations on the initial report in October 2002.⁹⁰⁹ In its 2002 Concluding Observation, the Committee regretted that Israel, despite being the State party responsible for the implementation of the Convention in the oPt, did not provide any information about the situation of children in West Bank and Gaza.

Israel submitted its initial report on the implementation of the OPAC in November 2008. Alternative reports were submitted in 2010 by Human Rights Watch, Conscience and Peace Tax International, Defence for Children International – Israel and Child Helpline International.⁹¹⁰

In 2010, in its review of the OPAC report, the Committee reiterated that, in accordance with State responsibility in international law, the provisions of the Convention and optional protocols apply to the benefit of the children of the oPt.⁹¹¹ The Committee also reiterated its deep concerns regarding the impact of the political situation on Palestinian children “the illegal occupation of Palestinian territory, the bombing of civilian areas...the disproportionate use of force by the Israel Defence Forces, the demolition of homes, the destruction of infrastructure, the construction of the wall and mobility restrictions resulting in the denial of access to education, health care, clean water and employment, all of which have a severe impact on Palestinian children”. Moreover, the Committee expressed concerns that the Israeli legislation continues to discriminate in the definition of the child between Israeli children (18 years) and Palestinian children in the occupied Palestinian territory (16 years) according to Military Order No. 132.

The Convention was endorsed by the PA in 1995. Although it has not been incorporated into domestic law, Palestinian Child Law of 2004 integrates many of the child rights principles of the Convention, including the principle of the best interests of the child, the right to non-discrimination, the right to life and survival, and development as a basic right, detailing the State’s responsibilities to uphold these rights and establishing a number of protection mechanisms, and measures to ensure the child is protected from violence, abuse, ill-treatment and exploitation. Following a legislative review by the Institute of Law of Birzeit University in 2008, a number of amendments have been drafted to bring Palestinian Child Law more in line with international standards.⁹¹²

2.2 Regional and International Human Rights Instruments

The PA is not entitled to accede to UN Conventions on human rights. However, as member of the League of Arab States, it has ratified the (Amended) Arab Charter of Human Rights of the League of Arab States, which entered into force on 15 March 2008.⁹¹³

Under international law, Israel, as occupying power, is responsible for the implementation of UN human rights conventions in the oPt. Israel however has consistently denied the applicability of conventions to the oPt. Most notably, in 2010, in its replies to the Human Rights Committee on the ‘List of Issues to be taken up in connection with the consideration of the third periodic report of Israel on the International Covenant on Civil and Political Rights’, Israel stated that “the Convention, which is a territorially bound Convention, does not apply, nor was it intended to apply, to areas outside its national territory”.⁹¹⁴

ew&Start=1&Count=250&Expand=84.6#84.6

908-Alternative reports are available at Child Rights Information Network (CRIN) http://www.bettercarenetwork.org/resources/find_altrep.asp?CRCID=19&country=102

909-Committee of the Rights of the Child, ‘Concluding observations: Israel’, CRC/C/15/Add.195, 9 October 2002

910-Alternative reports are available at Child Rights Information Network (CRIN) http://www.bettercarenetwork.org/resources/find_altrep.asp?CRCID=58&country=102

911-Committee on the Rights of the Child, ‘Concluding Observations: Israel’, CRC/C/OPAC/ISR/CO/1, 4 March 2010

912-Palestinian Authority, ‘The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory’, January 2011

913-The Charter is available at <http://www.unhcr.org/refworld/docid/3ae6b38540.html>

914-Human Rights Committee, Replies of the Government of Israel to the List of Issues, to be taken up in connection with the consideration of the third periodic report of Israel, CCPR/C/ISR/Q/3/Add.1, 12 July 2010



2.3 Status of the Right to Protection

Palestinian children are vulnerable to political and military violence. In its 2002 Concluding Observations on Israel's initial report on the implementation of the Convention, the Committee called for an end to the violence against children, effective investigations into the killings of children, bringing of perpetrators to justice, and provision of compensation, recovery and social integration services for children suffering human rights violations.⁹¹⁵ From 2002 to 2010, 1,145 children were killed and 7,223 were injured in conflict related incidents, either at the hands of the Israeli Army, settlers, Palestinian forces, or armed groups.⁹¹⁶ In 2010, the Committee in its review of the OPAC report of Israel also expressed grave concern regarding the "the serious violations suffered by children in Gaza during Operation Cast Lead in December 2008 and January 2009"⁹¹⁷, during which at least 335 children were killed.⁹¹⁸ In the first five months of 2011 alone, 332 cases of conflict-related child injuries were reported.⁹¹⁹

Palestinian children in the West Bank and Gaza are also vulnerable to violence in their homes, schools, and their communities. According to the United Nations Children's Fund (UNICEF), children are particularly vulnerable to violence in their homes, with an estimated 20 per cent of children suffering from violence at the hands of family members.⁹²⁰ Children living with disabilities are reportedly vulnerable to violence at the hands of other children, the family and the wider community.⁹²¹

Violence against children is prevalent, despite national legislation explicitly prohibiting all forms of violence against children (Article 42 of the Palestinian Child Law), including protection from harmful and cruel treatment (Article 29 of the Amended Basic Law, 2003). However, this is not interpreted as prohibiting all forms of corporal punishment in homes. In East Jerusalem, child protection law is the same as for the state of Israel, where corporal punishment is unlawful in the home.⁹²² Corporal punishment in schools is lawful, although Ministerial Directives advising against the use of corporal punishment in public schools have been issued and directives prohibiting corporal punishment have been effective in UNRWA schools since 1993.⁹²³

Comprehensive information on the prevalence of sexual abuse and on sexual exploitation is lacking, although there are growing reports that girls and boys are sexually abused, including in homes.⁹²⁴ Article 44 of the Palestinian Child Law explicitly prohibits the sexual exploitation of children, as does the Amended Basic Law of 2003, article 29,⁹²⁵ which states that children should not be "exploited in any purpose whatsoever".

The PA Ministry of Social Affairs has established a Protection of Childhood Department, which is empowered to remove a child from his or her family if the child's safety is at jeopardy; guidelines have been established on the placement of children in social care institutions or alternative care settings.⁹²⁶ Child protection mechanisms, such as protection help-line, community-based child protection committees, and referral systems including psycho-social services, are being established

915-Committee on the Rights of the Child, 'Concluding Observations: Israel', CRC/C/15/Add.195, 9 October 2002

916-Statistics from Defence for Children International-Palestine Section (DCI-Palestine), Monitoring and Documentation Unit

917-Committee on the Rights of the Child, 'Concluding Observations: Israel', CRC/C/OPAC/ISR/CO/1, 4 March 2010

918-Data from DCI – Palestine, 'Operation Cast Lead: Legal and political background', April 2009, <http://www.dci-pal.org/english/display.cfm?DocId=962&CategoryId=1>

919-UN OCHA oPt 'The Monthly Humanitarian Monitor', May 2011, <http://unispal.un.org/UNISPAL.NSF/0/7F288F0B42B8EA91852578AF0069ED28>

920-UNICEF, 'At a Glance: Occupied Palestinian Territory', http://www.unicef.org/infobycountry/oPt_1535.html

921-Palestinian Authority, 'The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory', January 2011

922-Global Initiative to End all Corporal Punishment of Children, 'Palestinian Country Report', 2010, <http://www.endcorporalpunishment.org/pages/progress/reports/palestine.html>

923-Ibid.

924-Save the Children Sweden, 'Gender-Based Sexual Violence Against Teenage Girls in Middle East', 2007

925-Palestinian Authority, 'Amended Basic Law', 2003, <http://www.palestinianbasiclaw.org/2003-amended-basic-law>

926-Palestinian Authority, 'The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory', January 2011



with support from UNICEF, UNRWA, and international non-governmental organisations, most notably Save the Children. A 2011-2013 National Strategic Plan in Child Protection and a National Child Care and Protection Referral and Networking System Protocol are also being prepared.⁹²⁷ Early marriage remains a childhood protection challenge, despite draft Penal Code which recommends imprisonment for any person who engages in the marriage of a girl under the age of 15 years without court permission. According to Save the Children Sweden, half of Palestinian women were married before the age of 18.⁹²⁸ In 2008, as many as 4 per cent of 15-to-19 year old girls were pregnant.⁹²⁹

The high incidence of child labour is also a concern in the West and Gaza, where economic hardship is pushing parents to send their children to work. In total, an estimated 32,000 children aged 10 to 17 years old work either as unpaid family labour, waged workers or are self-employed.⁹³⁰ Although national legislation prohibits under-age labour (Palestinian Child Law, article 14, states that children under the age of 15 should not be employed, as does Labour Law no. 7 of 2000, article 93), enforcement mechanisms are weak.

One of the main protection issues facing Palestinian children is juvenile justice. Research on juvenile justice for example reflects a very low awareness among judges, lawyers, prosecutors and police of the needs and legal rights of juveniles.⁹³¹ There is growing realisation by the PA that the “current juvenile justice does not operate with the best interests of the child”, and to address these gaps, a steering committee has been set up by the PA to upgrade laws, policies, institutions and procedures, including increasing the age of criminal responsibility from 9 to 12 years.⁹³²

On the Israeli side, there have been no moves to ensure that international juvenile justice standards are being applied to Palestinians children and juveniles. In 2010, in its review of Israel’s implementation of the OPAC, the Committee expressed its deep concerns that the State party has failed to comply with recommendations issued in 2002 “regarding the practices of arrest and interrogation of children in the occupied Palestinian territory... {and that} provisions in military orders (specifically Nos. 378 and 1591) continue to be in violation of international standards on the administration of juvenile justice and the right to a fair trial”.⁹³³ Furthermore the Committee expressed concerns over reports that more than 2,000 children, some as young as twelve, have been charged with security offences between 2005 and 2009, and that there are growing reports of children being subjected to prolonged periods of solitary confinement and abuse, and without recourse to adequate legal representation. According to Israeli police figures, 1,267 criminal files were opened against children accused of throwing stones in East Jerusalem between October 2009 and October 2010.⁹³⁴ Of particular concern is increasing reports of violence and mistreatment of children by Israeli soldiers during patrols, as well as during the arrest, transfer to detention and interrogation of children from East Jerusalem.⁹³⁵

927-Ibid.

928- Save the Children Sweden, ‘Concept Paper: Sexual and Reproductive Health Rights of Children and Adolescents in Palestine and Lebanon’, 2010

929-Palestinian Central Bureau of Statistics (PCBS), ‘Palestinian Children: Issues and Statistics’, 2006, http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1256.pdf

930-Palestinian Central Bureau of Statistics (PCBS), ‘Palestinian Central Bureau of Statistics Issued Child Statistics Report on the Eve of Palestinian Children’s Day April 5, 2010’, 2010

931-Defense for Children International, ‘From Legislation to Action: Trends in Juvenile Justice Systems across 15 countries’, 2007, <http://www.defenceforchildren.org/files/DCI-JJ-Report-2007-FINAL-VERSION-with-cover.pdf>

932-Palestinian Authority, ‘The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory’, January 2011

933-Committee on the Rights of the Child, ‘Concluding Observations: Israel’, CRC/C/OPAC/ISR/CO/1, 4 March 2010

934-UN General Assembly, ‘Children and Armed Conflict: Report of the Secretary-General’, A/65/820-S/2011/250, 23 April 2011, http://www.un.org/ga/search/view_doc.asp?symbol=A/65/820

935-Ibid.



2.4 Status of the Right to Education

The right to education is enshrined in national legislation, in Article 24 of the 2003 Amended Basic Law which stipulates that that “every citizen shall have the right to education. It shall be compulsory until at least the end of the basic level. Education shall be free in public schools and institutions”.⁹³⁶ Article 22 guarantees the right of persons living with disabilities to education. All refugee children registered with UNRWA are entitled to up to ten years of free education in UNRWA schools and can also attend national PA schools. As permanent residents of Israel, children between the ages of 5 and 18 in East Jerusalem are entitled to free public education, according to the 1949 Compulsory Education Law, however less than half of all school age children attend municipal schools⁹³⁷ mainly due to severe shortages of classrooms.

The right of children to education is not being respected by the occupying power. Israeli military actions have had a damaging impact on educational infrastructure – in 2005 alone, damages to educational facilities amounted to more than \$5 million – and in Gaza, the month long Operation Cast Lead destroyed 10 schools and damaged 168 schools.⁹³⁸ Severe movement restrictions, through checkpoints and the construction of the Wall, and general insecurity have adversely impacted upon children’s access to education. Indeed, school enrolment rates have been falling precipitously. Whereas prior to 2000, net primary school enrolment ratios were 96 and 98 per cent for boys and girls respectively, by 2005-2009, ratios had fallen to 75 per cent for boys and girls.⁹³⁹

The quality of education in the oPt moreover has been criticised as not promoting active learning with the *Tamjibi* (final examinations for school pupils) being a classic example of testing by rote learning.⁹⁴⁰ This is also the case for schools run by UNRWA, the vast majority of which run on double shifts to accommodate the sheer number of students, meaning shorter school days, less personal attention and a lack of space for recreational and extracurricular activities.⁹⁴¹ In 2007/2008, only one in five of 16,000 Gazan sixth-graders passed standardised tests in math, science, English and Arabic in 2007/2008, as did about half of their peers in Nablus and Jenin.⁹⁴²

The Ministry of Education and Higher Education has developed a 2008-2012 Education Development Strategic Plan which focuses on improving quality education for all and for better linking educational curriculum to labour market needs.⁹⁴³ In spite of increased attention to inclusive education, children living with disabilities continue to face discrimination in accessing education. A recent study in Nablus found that 42 per cent had no access to education and half of those integrated into schools dropped out for a myriad of reasons.⁹⁴⁴

2.5 Status of the Right to Survival and Development

Child and infant mortality have been declining in the oPt. Under-5 mortality rate decreased from 43 (per 1,000 live births) to 30 between 1990 and 2009, and under-1 mortality rate from 35 to 25 during the same period.⁹⁴⁵ Infants and children are largely free of communicable diseases due to a series of successful immunisation programmes. For example, immunisation against TB (tuberculosis) and

936-Palestinian Authority, ‘Amended Basic Law’, 2003, <http://www.palestinianbasiclaw.org/2003-amended-basic-law>

937-UN OCHA oPt, ‘East Jerusalem: Key Humanitarian Concern’, 2011

938-UNDP, ‘Human Development Report 2009/10 occupied Palestinian territory: Investing in Human Security for a Future State’, 2010

939-2005-2009 average, UNICEF, ‘At a Glance: Occupied Palestinian Territory’, http://www.unicef.org/infobycountry/oPt_1535.html

940-UNESCO International Institute for Educational Planning, Save the Children UK ‘Fragmented Foundations: education and chronic crisis in the Occupied Palestinian Territory’, 2007

941-UNICEF, ‘Palestinian Children and Women in Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory Country Programme Document 2011-2013’, 2010

942-Ibid.

943-Palestinian Ministry of Education and Higher Education ‘Education Development Strategic Plan 2008-2012’, 2008

944-Palestinian Authority, ‘The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory’, January 2011

945-UNICEF, ‘At a Glance: Occupied Palestinian Territory’, http://www.unicef.org/infobycountry/oPt_1535.html



DPT (diphtheria, pertussis, and tetanus) of 1-year-old children is at 99 per cent.⁹⁴⁶

However, due to the volatile political and security situation, the pace of reduction of mortality rates has been slowing. The health status of under-fives has been adversely affected by movement restrictions, such as checkpoints and border closings, which prevent access for patients and medical personnel and create a shortage of medical supplies. In blockaded Gaza, mortality rates actually increased from 10 to 15 per cent compared with pre-Intifada value, with approximately 2,500 young children dying per year.⁹⁴⁷

High food insecurity rates, driven by high unemployment and income poverty rates, have also negatively affected the nutritional status of children. Malnutrition is a growing concern with chronic malnutrition of children under five rising from 7.6 per cent in 2000 to 10 per cent in 2010.⁹⁴⁸ In a 2010 study of herding communities in Area C of the West Bank⁹⁴⁹, it was found that 79 per cent of the communities surveyed did not have enough nutritious food, with high rates of underweight (15.3 per cent) and stunted (28.5 per cent) children between six and 59 months compared to the rest of the West Bank.⁹⁵⁰

2.6 Status of the Right to Health

The right to health of children has been hindered by the political situation. UNRWA reports that the fragmentation of the West Bank through settlements and military installations is increasing the disparity in public access to health care, while in the Gaza Strip, a blockade continues to impair critically the supply of essential medical goods, delaying reconstruction and hindering patient referral.⁹⁵¹

Access to sexual and reproductive health services and information remains a challenge for adolescents, especially girls. While trends and dynamics of HIV and AIDS suggest a low prevalence, it is likely that many cases go undetected.⁹⁵² Among 1,047 women sampled in a national household survey, not one single woman had undergone a HIV test and only 5 per cent knew a place where they could seek confidential HIV testing.⁹⁵³ A recent survey suggests that although as many as 88 per cent of Palestinian youth aware of HIV and AIDS, only 9 per cent of 15-to-19 year olds could identify the modes of transmission.⁹⁵⁴ Among youth, awareness of using condoms to prevent sexually transmitted infections (STI) is also low, as is knowledge of STI symptoms.⁹⁵⁵

Reliable data on adolescents affected by sexually transmitted infections (STI) is currently unavailable on the oPt. Young unmarried women may be even more exposed to sexual health risks. Traditional Palestinian society places great value on female virginity before marriage. Because of the social and cultural sensitivity of pre-marital sexual relations, those unmarried girls who do engage in sexual activity must maintain a high level of secrecy concerning their relationships or else face severe (and sometimes violent, as in the case of honour killings) consequences. These youth face significant risk factors yet usually do not have access to the information and resources they need to make

946-2009 figures, Ibid.

947-UNDP, 'Human Development Report 2009/10 occupied Palestinian territory: Investing in Human Security for a Future State', 2010

948-UNICEF, 'occupied Palestinian territory (oPt): Health: Health and Nutrition', 2010, <http://www.unicef.org/oPt/health.html>

949-The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (1994) divided the lands of the West Bank into three classifications: Area A is under the full control of the Palestinian Authority (PA). Area B is under the control of the PA for civil affairs while Israel controls security. Area C is under Israeli civil and security control.

950-UNRWA/UNICEF/WFP, 'Food Security and Nutrition Survey of Herding Communities in Area C', 2010

951-UNRWA, 'Healthcare in the Field', <http://www.unrwa.org/etemplate.php?id=94#opt>

952-Since AIDS was first diagnosed in the oPt in 1988, a cumulative total of 73 diagnosed HIV/AIDS cases has been recorded by the Ministry of Health as of 2009, Palestinian Authority, 'Report on the Implementation of the Convention on the Rights of the Child', 2011.

953-Survey cited in UN Theme Group on HIV/AIDS for the occupied Palestinian Territory & National AIDS Committee, 'Proposal Round 7 Submission to the Global Fund to Fight Aids, Tuberculosis, and Malaria', 2007

954-UNICEF, 'UNICEF oPt Monthly Update', July 2010

955-Save the Children Sweden 'Sexual and Reproductive Health Rights of Children and Adolescents: Baseline Knowledge, Attitudes and Practices (KAP) Survey', 2010



healthy decisions about their relationships.

To address these issues, a number of initiatives are being implemented by agencies such as UNICEF, which is implementing Adolescent Friendly Spaces Programmes, and the Palestinian Authority Ministry of Health is scaling up projects to ensure universal access to HIV/AIDS prevention, treatment and care in the oPt, and the Palestinian Ministry of Education has integrated from grade seven to 10, sex education, reproductive health, family planning and prevention from HIV/AIDS are part of the formal educational curriculum.⁹⁵⁶

2.7 Status of Child Rights under Emergencies

Political violence continues to scar children's lives in the oPt, where large numbers of children are vulnerable to rights violation. In 2010 alone, 11 children were killed and 360 children injured in the oPt as a result of political and military violence, including as a result of unexploded ordinances, inter-factional Palestinian fighting, and the use of Palestinian children as human shields by the Israeli security forces.⁹⁵⁷ Foremost amongst the Israeli military and administrative practices that have had an adverse impact on the lives of children are: house demolitions and displacement, destruction of infrastructure, the blockade of Gaza, closures and movement restrictions, attacks on schools, the recruitment of children as collaborators, settlements and settler violence, arbitrary detention of children, denial of humanitarian access including access to health and education, and denial of school places in East Jerusalem. All of these measures impact on the lives of Palestinian children in a myriad of ways, denying them the rights guaranteed to them in the Convention and the OPAC.

Since 2007, a UNICEF-led working group, composed of civil society organisations, international non-governmental organisations (INGOs) and UN agencies, has been monitoring and reporting on grave violations against children in the oPt and in Israel.⁹⁵⁸ In its 2010 annual review, the working group highlighted that Palestinian children continued to be detained and subjected to ill-treatment, and in some cases torture and sexual assault, during arrest and interrogations by Israeli security forces, with search and arrest operations involving children as young as 7 years old.⁹⁵⁹ The report also indicates that more than 425 Palestinian structures were demolished, leaving nearly 300 children homeless and a total 24 attacks on schools by settlers, Israeli security forces and armed Palestinian groups, were documented, placing the safety of Palestinian children at risk.⁹⁶⁰

Children's access to health and education services has declined precipitously over the last decade. Along with Iraq, the oPt is a striking example in the Arab region of the pernicious impact of conflict and instability on education sector and lives of children: enrolment rates have dropped by over 20 percentage points since 1999 in the oPt.⁹⁶¹

In Gaza in particular, armed conflict and blockade has led to a severe psychosocial impact amongst children: Save the Children reports that at least five different studies confirm that Palestinian children report having experienced an average of more than eight traumatic events thus far in their lives.⁹⁶² The organisation reports that the vast majority of children in Gaza "grow up in an environment of ongoing violence where neither their families nor their communities can respond

956-Palestinian Authority, 'The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory', January 2011

957-UN General Assembly Security Council, 'Children and armed conflict Report of the Secretary-General', General Assembly Sixty-fifth session Agenda item 64 (a) Promotion and protection of the rights of children, 23 April 2011, UN Doc A/65/820-S/2011/250

958- Members of the working group include: Al Mezan Centre for Human Rights, Save the Children, DCI-Palestine, B'Tselem, and Palestinian Centre for Human Rights, War Child Holland, OCHA, OHCHR, UNESCO, UNICEF, UNRWA and WHO.

959-Israel/oPt Working Group on Grave Violations against Children (1612 Working Group), 'Children Affected by Armed Conflict (CACC) Israel & the occupied Palestinian territory (oPt) Bulletin: Annual Review 2010', 2011

960-Ibid.

961-UNESCO, 'EFA Regional Report for the Arab States: 2011', 2011

962-Save the Child Sweden, Children, Armed conflict and Protection <http://mena.savethechildren.se/Global/scs/MENA/reports/Factsheet%20%281%29%201612%20project%20Gaza.pdf>



to their basic emotional, psychological and cognitive needs”.⁹⁶³

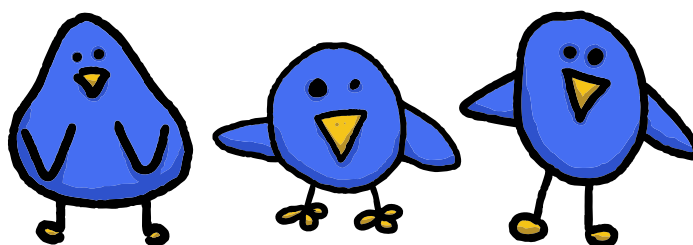
3. Stakeholder Analysis

3.1 Government Structures

The first National Programme of Action for Palestinian Children was adopted by the PA in 1995, establishing a National Secretariat, composed of governmental and non-governmental representatives, as well as observers from the international community. In 2003 the Secretariat was incorporated into the Ministry of Planning and became the Child Right’s Planning Unit with the responsibility of coordinating inter-ministerial planning on children’s rights. Among all ministries, the Ministry of Social Affairs holds the main mandate on the implementation of child rights. The Ministry of Interior, the Ministry of Education and Higher Education, and the Ministry of Health, the Ministry of Youth and Sports all have responsibilities related to childhood development and protection, for example, the Ministry of Social Affairs works with the Ministry of Interior to facilitate birth registered of abandoned children and to establish a juvenile police unit. UNRWA is mandated to provide health, education, and social services to refugee children in West Bank and Gaza.

3.2 Civil Society

There is a vibrant civil society in the oPt, with a large number of civil society organisations (CSOs) providing educational, health, legal aid, or social services to children. These include the Health Work Committees, the Palestinian Medical Relief Society (PMRS) are the major stakeholders in this category, and Palestinian Red Crescent Society (PRCS), the Gaza Community Mental Health Programme and Juzoor Foundation for Health and Social Development which provide health services, and Tamer Institute for Community Development and the Early Childhood Resource Centre which provides education services to children. The Palestinian Centre for Democracy and Conflict Resolution (PCDCR) is also a key organisation in the promotion of child protection networks in Gaza. In addition to service delivery, a large number of CSOs are involved in policy, advocacy, and campaigning work. A growing number of international organisations support local civil society to implement programmes related to child rights and development including the International Committee of the Red Cross, Handicap International, Save the Children Sweden, United Kingdom (UK), United States of America (USA), and Medical Aid for Palestinians (MAP).



⁹⁶³ Save the Children Sweden, ‘Children, Armed conflict and Protection: oPt’, April 2010





Oman Country Profile

1. Country Overview

1.1 Demographic Profile

The Sultanate of Oman, on the southeast coast of the Arabian Peninsula, is bordered by the United Arab Emirates (UAE) to the northwest, Saudi Arabia to the west and Yemen to the southwest. It is home to 2,845,000 persons, out of which an estimated 1,067,000 persons are below the age of 18, and 297,000 below five.⁹⁶⁴ Oman has a high number of international migrant workers, mainly from South East Asia. An estimated 826,000 international migrants, out of whom 20 per cent are female, reside in Oman.⁹⁶⁵

1.2 Socio-economic Developments

Oman is classified as high income country, with the population enjoying per capita income of \$17,890.⁹⁶⁶ The government invests heavily in the social sector: in 2010, 35 per cent of budget was allocated to education, and 12 per cent to health.⁹⁶⁷ The country has made tremendous strides in improving socio-economic indicators. In a recent United Nations (UN) report, Oman was ranked the top Human Development Index (HDI) mover, having made the greatest progress in improving human development over the period 1970-2010.⁹⁶⁸ However, the United Nations Children's Fund (UNICEF) reports that national indicators mask significant disparities at the sub-national level: the number of beneficiaries of social welfare grants, for example, has increased substantially over the past years, reaching over 50,000 cases in 2008. Among the main beneficiaries are households in Al Batinah and Ash-Sharkia regions, particularly households with persons living with disabilities and children who are orphaned or abandoned.⁹⁶⁹

1.3 Political Developments and Human Rights Record

The White Book, or Basic Law of the Sultanate of Oman, declares that the system of governance in Oman is a hereditary sultanate. The country has been ruled by Qaboos Bin Sultan since July 1970. Ousting his father in a virtually bloodless coup (known as 'The Renaissance'), the Sultan reversed his father's very conservative policies, secured the regime by defeating the alliance of internal insurgents and South Yemeni forces in the Dhofar War (1968-75), and has led the country through 35 years of steady development.⁹⁷⁰

The country has made some progress in the fields of political and civil rights. The Sultan issued a decree on 27 November 2000 allowing all citizens to vote. Amendments were also introduced to the electoral law in 2003 allowing women to participate in legislative elections. The political participation of women has also been enhanced, with nomination of women to high level positions, including Ambassador, Ministers, and members of Council of State and Consultative Council.⁹⁷¹ A National Human Rights Commission was established in 2008, but has yet to become operational. Political freedom however remains limited, with a nonelected executive, a nonpartisan legislature and a ban on all political parties. Gender inequality persists, with women facing *de facto* and *de jure*

964-2009 estimates, UNICEF, 'Oman: Statistics', available at http://www.unicef.org/infobycountry/oman_statistics.html

965-2010 estimate, United Nations Population Division, 'International Migrant Stock: 2008 Revision' <http://esa.un.org/migration/p2k0data.asp>

966-2008, Gross National Income Per Capita, Atlas method (current US\$), World Bank, available at <http://data.worldbank.org/country/oman>

967- Human Rights Council, National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 Oman, A/HRC/WG.6/10/OMN/1 18 November 2010

968-UNDP, 'The Real Wealth of Nations: Pathways to Human Development, Human Development Report 2010 - 20th Anniversary Edition', 2010

969-UNICEF, 'Recommendation for funding from other resources without a recommendation for funding from regular resources Oman' E/ICEF/2010/P/L.11 14 April 2011

970-UK Foreign and Commonwealth Office (Oman: Country Profile), last updated 13 November 2006, <http://www.fco.gov.uk/en/about-the-fco/country-profiles/middle-east-north-africa/oman>

971-For more information on political reforms in Oman, see UNDP Arab Human Rights Index <http://arabhumanrights.org/en/countries/country.aspx?cid=13>



discrimination in personal status law, in employment, and in nationality law, which does not allow Omani women married to non-Omanis to transmit their nationality.

In early 2011, fuelled by protests across the Middle East and North Africa (‘the Arab Spring’) a series of demonstrations broke out in Oman, despite restrictive laws against freedom of assembly. Young men in particular protested against lack of jobs and low wages in the private sector, and demanded reforms in the political arena. At the time of writing, no political reforms had been implemented.

1.4 Social and Culture in regards to Children

Societal attitudes towards children are influenced by the Islamic *Shariah*, which “urges the establishment of a family through valid marriage and emphasises the importance of the union, cohesion and responsibilities of the family in providing the utmost care and protection for the children who are its fruit. It also emphasises the responsibilities of Muslim society for the care and *kafalah* (alternative care) of orphans and children of unknown parents”.⁹⁷² However, discrimination against the girl child and children born out of wedlock is widespread and institutionalised. According to UNICEF, the most vulnerable children, those suffering the highest risk of multidimensional deprivation, come from female-headed households, households whose head has little formal education, large households, households in specific locations and households in the lowest income quintile.⁹⁷³

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

Oman acceded to the United Nations (UN) Convention on the Rights of the Child (Convention) on 9 December 1996, with reservation to all the provisions of the Convention that do not accord with *Shariah* or the legislation in force in Oman, in particular to provisions relating to adoption (Article 21). In addition, Oman expressed a general reservation that provisions of the Convention should only be applied within the limits imposed by the available material resources. It expressed specific reservations to Article 9 (“The words ‘or to public safety’ should be added after the words unless the provision of the information would be detrimental to the well-being of the child”), Article 7 (understood to mean that a child born in the Sultanate of unknown parents shall acquire Oman nationality, as stipulated in the Sultanate’s Nationality Law) and Articles 14 and 30 (freedom of religion).⁹⁷⁴

Oman submitted its initial report to the UN Committee on the Rights of the Child (Committee) in July 1999, its second periodic report in April 2005. Its third and fourth periodic report is due in July 2012.⁹⁷⁵ The Global Initiative to End All Corporate Punishment and Child Helpline submitted alternative reports on the implementation of the Convention.⁹⁷⁶ The Committee issued its Concluding Observations on the second period report in September 2006.⁹⁷⁷

In its review of the second periodic report, the Committee on the Right of the Child welcomed

972-Committee on the Rights of the Child, ‘Second periodic report of States parties due in 2004 Oman’, CRC/C/OMN/2, 8 May 2006

973-UNICEF, ‘Recommendation for funding from other resources without a recommendation for funding from regular resources Oman’ E/ICEF/2010/P/L.11 14 April 2011

974-United Nations ‘Treatment Collection, available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidsg_no=IV-11&chapter=4&lang=en. The government of Oman however, in its National Report for the Human Rights Council Universal Periodic Review states that in 2010, it lifted four of its reservations to the Convention and limited its fifth and only remaining reservation.

975-United Nations Office of Commissioner of Human Rights, <http://www.unhchr.ch/tbs/doc.nsf/NewhvVAllSPRByCountry?OpenView&Start=1&Count=250&Expand=130.4#130.4>

976-Global Initiative to End all Corporal Punishment of Children, ‘Briefing – Oman’, 2006 and Child Helpline International and Member Helplines ‘Recommendations to the UN Committee on the Rights of the Child’, May 2006

977-Committee on the Rights of the Child, Concluding Observations Oman, CRC/C/OMN/CO/2

29 September 2006, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/451/19/PDF/G0645119.pdf?OpenElement>



Oman's efforts to address various recommendations made upon the consideration of the State's initial report through legislative measures and policies. However, it noted that some of the Committee's concerns, for example, relating to withdrawal of reservations on the Convention, and non-discrimination, nationality, violence against children and child abuse, children with disabilities and the administration of juvenile justice, have not been sufficiently addressed. In January 2011, Oman implemented the Committee's recommendation and withdrew four out of five of its reservations to the Convention.⁹⁷⁸

Furthermore, the Committee also recommended that the government develop a comprehensive national plan of action for children, in consultation with civil society organisations, and with specific budget allocation and follow up mechanism. As of May 2011, no progress has been made on the development of national plan of action for children. Moreover, local news report that the lack of integrated strategy for child rights in Oman has negatively affected the efficiency of government spending.⁹⁷⁹ Despite recommendations of the Committee and stated commitment of Oman to modify its budget categorisation so that allocations for children may be more easily ascertained⁹⁸⁰, information on breakdown of budgetary sources remains difficult to find.

The Sultanate acceded to the two Optional Protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC), and on the Involvement of Children in Armed Conflict (OPAC) on 17 September 2004, with reservations subject to Oman's reservations to the Convention on the Rights of the Child. It submitted its initial reports on the implementation of the OPSC and OPAC in October 2007. The Committee issued its Concluding Observations on the initial report of the OPAC in June 2009 and on the OPSC in September of the same year.

2.2 Regional and International Human Rights Instruments

Oman has ratified or acceded to UN conventions on human rights, namely: the International Convention on the Elimination of All Forms of Racial Discrimination (2003) and the Convention on the Elimination of All Forms of Discrimination against Women (2005) and the Convention on the Rights of Persons with Disabilities (2009). As for regional treaties, Oman has agreed to the 'Cairo Declaration on Human Rights in Islam' issued in 1990 by foreign ministers of Muslim countries. Oman has also signed the League of Arab States' (Amended) Arab Charter of Human Rights prepared by the Arab Summit in Tunisia in May 2004.

During the UN Human Rights Council Universal Periodic Review (UPR) of Oman, held in February 2011, a number of Delegations strongly urged Oman to implement recommendations issued by the Committee, emphasising the need to finalise and enact legislation to better protect children. Delegations also recommended Oman to develop a comprehensive national plan of action for children. Specific recommendations were made in the areas of juvenile justice system, female genital mutilation and child labour, and protection for children of migrant workers. While Oman accepted to consider these recommendations, it officially rejected the recommendation to reform the Nationality Law to enable Omani mothers to transmit their nationality.⁹⁸¹

2.3 Status of the Right to Protection

In its review of the second periodic report of Oman in 2006, the Committee welcomed the country's efforts to break the silence around child abuse and neglect, including the first-ever national workshop on the subject organised with support from UNICEF.⁹⁸²

978-UNICEF, 'Recommendation for funding from other resources without a recommendation for funding from regular resources Oman' E/ICEF/2010/P/L.11, 14 April 2011. This is not confirmed in the United Nations Treaty Collection website.

979-Muscatdaily.com, 'Oman needs to track spending on child rights: UNICEF' 17 May 2011, <http://www.muscatdaily.com/Archive/Stories-Files/Oman-needs-to-track-spending-on-child-rights-UNICEF>

980-UNICEF 'Call for Child-Friendly Budgeting from Sub-Regional Workshop organized by Bahrain Parliament and UNICEF', 31 May 2006

981-Information available at <http://www.upr-info.org/-Oman-.html>

982-Committee on the Rights of the Child, Concluding Observations Oman, CRC/C/OMN/CO/2, 29 September 2006



Since then, Oman has put in place a number of new legislative and institutional measures to better protect children from violence, abuse, exploitation and, neglect. The Law on Combating Human Trafficking was promulgated on 23 November 2008,⁹⁸³ and regulations have been introduced to increase the age of camel jockeys to 18.⁹⁸⁴ A hotline has been set up by the Ministry of Social Development and a database on violence against children is being established.⁹⁸⁵ There have been nevertheless some efforts to establish child protection systems with the Ministry of Health introducing a reporting system to monitor and investigate cases of abuse against children.

Despite legislative efforts and programmes, there remain a number of gaps in the formulation and implementation of legislation related to child protection. Girls, victims of sexual abuse and exploitation, are still not sufficiently protected by law and are not afforded adequate social rehabilitation, and physical and psychological services. The government states that “the reason why there were no child welfare centres in Oman was that there were no real cases of violence”.⁹⁸⁶ In its 2009 Concluding Observations on the implementation of the OPSC, the Committee expressed its deep concerns that child victims may be re-victimised by being treated as offenders and that girls, who have been victims of child prostitution, may be criminalised, inter alia, on charges of *zina* and honour crimes.⁹⁸⁷ The Committee has also expressed its concerns that professionals working with and for children were not fully trained to report cases of sexual abuse. It has urged Oman to ensure that establish effective procedures and mechanisms to receive and investigate complaints and to prosecute cases of abuse and ill-treatment, especially of foreign migrant children who are particularly vulnerable violation of their rights. UNICEF also reports that lack of reliable data, lack of synergy among agencies, and weakness in reporting and referral systems remain glaring gaps.⁹⁸⁸

No law has been passed to prohibit the circumcision of girls, despite recommendations by the Committee. The practice remains widespread and social acceptance, even amongst women, is high. A National Health Survey in 2000 indicated that 85 per cent of women approve of the circumcision of girls and 53 per cent of females have been circumcised.⁹⁸⁹

Oman has not made in progress in prohibiting corporal punishment, despite repeated recommendations by the Committee. The Global Initiative to End All Corporal Punishment of Children has noted that provisions against violence and abuse in the Basic Law (1996), the Penal Code (1974), and the Code of Criminal Procedure (1999) were not interpreted as prohibiting corporal punishment in child rearing. In the penal system, corporal punishment appeared to be unlawful.⁹⁹⁰ Corporal punishment is unlawful at school under the 1999 Organisational Statutes of the General Education Schools, which also state that students cannot be insulted or treated harshly.⁹⁹¹

983-Committee on the Elimination of Discrimination against Women, Initial periodic report of States parties Oman, CEDAW/C/OMN/1, 20 July 2010

984-Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography Concluding observations: Oman, CRC/C/OPSC/OMN/CO/1, 24 June 2009, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/432/06/PDF/G0943206.pdf?OpenElement>

985-Committee on the Rights of the Child < Summary record of the first part (public) of 1420th meeting, CRC/C/SR.1420, 18 December 2009

986-Committee on the Rights of the Child < Summary record of the first part (public) of 1420th meeting, CRC/C/SR.1420, 18 December 2009

987-Committee on the Rights of the Child, ‘Consideration of Reports Submitted by State Parties under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography Concluding observations: Oman’, CRC/C/OPSC/OMN/CO/1, 24 June 2009, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/432/06/PDF/G0943206.pdf?OpenElement>

988-UNICEF, ‘Recommendation for funding from other resources without a recommendation for funding from regular resources Oman’ E/ICEF/2010/P/L.11 14 April 2011

989-Committee on the Elimination of Discrimination against Women, ‘Initial periodic report of States parties Oman’, CEDAW/C/OMN/1, 20 July 2010

990-Human Rights Council ‘ Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 Oman’, A/HRC/WG.6/10/OMN/3, 8 November 2010

991-Global Initiative to End All Corporal Punishment of Children, ‘Oman’, February 2010, <http://www.endcorporalpunishment>.



2.4 Status of the Right to Education

Education in Oman is provided free of charge to all citizens up to the end of grade 12. In 1970 there were only three formal schools with 900 students in the whole country. Oman's national educational programme expanded rapidly (from only three formal schools in 1970, there are now over 900 schools).⁹⁹² Non-national children are admitted to government schools under the same terms as citizen students without disparity and free of charge, reports the government. Families pay only a token sum for the student's stationery, such as pens and notebooks, since textbooks are distributed free of charge to students, in addition to which the Ministry provides transportation for students to and from school.⁹⁹³

However, primary education is not compulsory, and primary school net enrolment rate for the period 2005-2009 was worryingly low at 68 per cent: this is even lower than the average for 2000-2005, when net enrolment rate for primary schooling was at 73 per cent boys and 74 per cent for girls.⁹⁹⁴ Quality of education also remains problematic: the country has scored relatively low on international tests of education quality, specifically on the Trends in International Mathematics and Science Study, and there appears to be a strong mismatch between skills and labour market needs.

In 2006, the Committee expressed its concerns about the very low rate (5-8 per cent) of children enrolled in pre-school education. Early childhood development has been included in the Omani Ministry of Education Plans.⁹⁹⁵ There has been modest progress on this front, with pre-school education to nearly 30 per cent in 2010/2011.⁹⁹⁶

2.5 Status of the Right to Survival and Development

Oman has made considerable investments in the health sector, with the World Health Organisation (WHO) ranking Oman in the top 10 nations in terms of healthcare performance in 2000.⁹⁹⁷ Between 1970 and 2009, child mortality rate dropped from 206 (per 1,000 live births) to 12.⁹⁹⁸ Infant mortality is now at a low 9.⁹⁹⁹

In its 2006 Concluding Observations, the Committee expressed concerns that children of migrant workers face discrimination on the basis of national origin in terms of access to services.¹⁰⁰⁰ However, in terms of right to survival and development, Omani Ministry of Health recent data reveals no significant differences in infant and child mortality rates between Omani nationals and migrant communities (10.5:9.7 for infants and 12.4:12.2 for under-5s).¹⁰⁰¹

In its 2006 Concluding Observations, the Committee also recommended that Oman undertake urgent measures to improve nutritional status of infants and children.¹⁰⁰² Mainly due to inadequate feeding practices and childcare, under nutrition particularly for children under 5 years old remains relatively high at 11 per cent and exclusive breastfeeding for children under the age of six months is low at 34 per cent. Anaemia, deficiencies of vitamin A and iodine also remain problems for children.¹⁰⁰³

[org/pages/progress/reports/oman.html](http://www.unicef.org/pages/progress/reports/oman.html)

992-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 Oman', A/HRC/WG.6/10/OMN/1, 18 November 2010

993-Committee on the Rights of the Child, 'Second periodic report of States parties due in 2004 Oman', CRC/C/OMN/2, 8 May 2006

994-UNICEF, 'Oman: Statistics', available at http://www.unicef.org/infobycountry/oman_statistics.html

995-UNICEF, 'Recommendation for funding from other resources without a recommendation for funding from regular resources Oman' E/ICEF/2010/P/L.11 14 April 2011

996-Ibid.

997- WHO, 'World Health Organisation Assesses the Worlds Health Systems', 2000, http://www.who.int/whr/2000/media_centre/press_release/en/index.html

998-UNICEF, 'Oman Statistics', http://www.unicef.org/infobycountry/oman_statistics.html

999-Ibid.

1000-Committee on the Rights of the Child, 'Concluding Observations, Oman', CRC/C/OMN/2, 29 September 2006

1001-Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 Oman', A/HRC/WG.6/10/OMN/1, 18 November 2010

1002-Committee on the Rights of the Child, 'Concluding Observations: Oman', CRC/C/OMN/2, 29 September 2006

1003-UNICEF, 'Recommendation for funding from other resources without a recommendation for funding from regular resources Oman' E/ICEF/2010/P/L.11, 14 April 2011



2.6 Status of the Right to Health

The right to health is enshrined in Article 12 of the Basic Statute of the State (promulgated by Royal Decree 101/96). Healthcare and treatment are provided free of charge to all citizens and to expatriates working in the government sector.¹⁰⁰⁴ The WHO has put Oman in the top 10 nations in terms of healthcare performance.¹⁰⁰⁵ Oman is on track to meet all health related Millennium Development Goals (MDG). In 2008, health was allocated 4.6 per cent of total government expenditure.¹⁰⁰⁶

In its 2006 Concluding Observations, the Committee commended the quality of health care and welcomed efforts to extend health care services in more remote areas of the country. It recommended Oman to continue prioritising budgetary allocation to health sector, to ensure equal access to quality health services for all children, including children of migrant workers. Rapid economic development has also brought about new health risks, which may also need additional investment from the government to address. Obesity and substance abuse amongst adolescents are on the rise, according to the UNICEF, and “preventable injuries resulting from falls, accidental poisoning, and road accidents for example, are now the major causes of mortality, morbidity and disability in children under 15 years of age”.¹⁰⁰⁷

2.7 Status of Child Rights under Emergencies

There is an information gap with regards to the status of child rights under natural disasters or armed conflict. Oman is not party to the UN 1951 Convention relating to the Status of Refugees and its 1967 Protocol. In practice, the government provides protection against *refoulement*, the return of persons to a country where they feared persecution, but does not in general grant refugee or asylum status.¹⁰⁰⁸ The law prohibits the extradition of political refugees, but there are reports that the country does deport those that have entered the country ‘illegally’. Tight control over the entry of foreigners effectively limited access to protection for refugees and asylum seekers. In its 2009 Concluding Observations of the initial periodic report on the implementation of the OPAC, the Committee expressed its regret that the country lacks information on children coming from areas affected by armed conflict.¹⁰⁰⁹ Oman has responded that there are case involving child refugees, children arriving from areas affected by armed conflict or the return of children or families to areas of conflict had been recorded in Oman, and those that arrived “received assistance that took into account their social and economic situation and their psychological condition”.¹⁰¹⁰

Oman has stated that its social workers and emergency services are highly qualified to efficiently deal with natural disasters as demonstrated during recent emergencies. “By drawing on its own capacities without being compelled to resort to foreign assistance, Oman had shown that it was short of neither skills nor ability in that area”.¹⁰¹¹ However, information on legislative and executive mechanisms to ensure children’s access to education, health, and protection during times of crises is lacking.

1004-Human Rights Council, ‘National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 Oman’, A/HRC/WG.6/10/OMN/1, 18 November 2010

1005-WHO, ‘World Health Organisation Assesses the Worlds Health Systems’, 2000, http://www.who.int/whr/2000/media_centre/press_release/en/index.html

1006-WHO, ‘Country Profile: Oman 2008’, <http://www.emro.who.int/emrinfor/index.aspx?Ctry=oma>

1007-UNICEF, ‘Recommendation for funding from other resources without a recommendation for funding from regular resources Oman’, E/ICEF/2010/P/L.11, 14 April 2011

1008-US State Department, ‘Oman 2010 - Country Report on Human Rights Practices’ 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154470.htm>

1009-Committee on the Rights of the Child, ‘Concluding observations: Oman’, CRC/C/OPAC/OMN/CO/1, 12 June 2009

1010-Committee on the Rights of the Child, ‘Summary record of the 1419th meeting’, CRC/C/SR.1419, 9 February 2010

1011-Committee on the Rights of the Child ‘Summary record of the first part (public)* of 1420th meeting’, CRC/C/SR.1420, 18 December 2009



3. Stakeholder Analysis

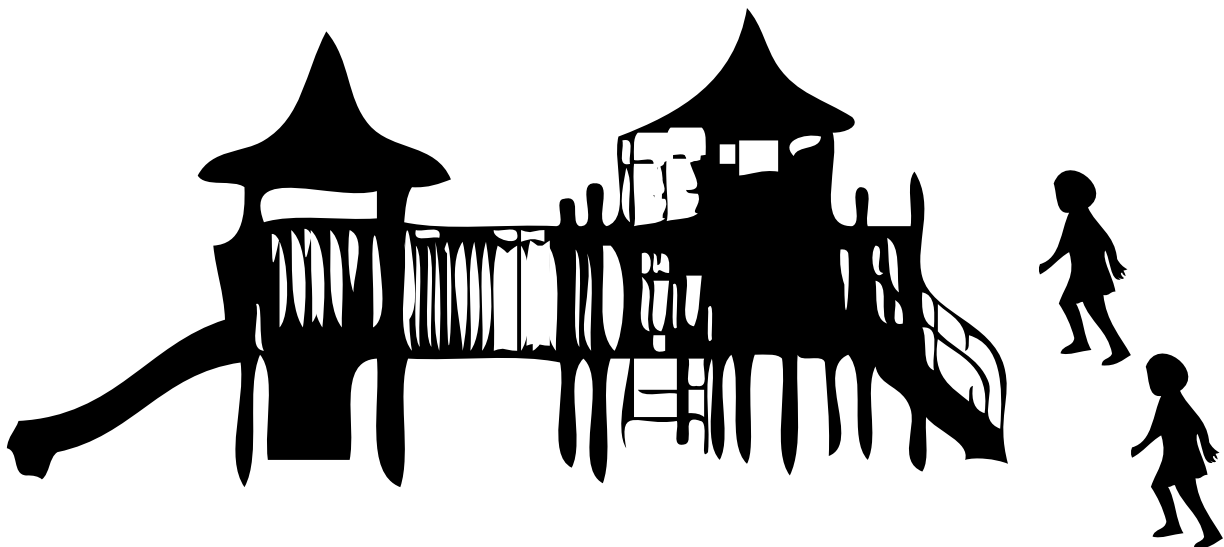
3.1 Government Structures

On ratifying the Convention, the National Follow-Up Commission on Implementation of the Convention on the Rights of the Child, composed of relevant government structures and civil society organisations, was established to follow upon the implementation of the Convention. The main government structures impacting upon child protection are the Ministries of Social Development, Education, Health, National Economy, Legal Affairs, Religious Affairs, Foreign Affairs and Information, as well as the Office of the Prosecutor General, Royal Oman Police. The Committee has recommended Oman to further enhance the role and capacity of the government structures working on child rights and to strengthen multi-sectoral coordination between the bodies and institutions working on the implementation of the Convention at all levels in order to ensure adequate implementation throughout country.

3.2 Civil Society

Civil society in Oman is weak and limited, with only a dozen registered non-governmental organisations (NGOs) and 47 government approved women's associations; the government has not approved the establishment of independent human rights organisations.¹⁰¹² Civil society groups focusing on children's issues include associations for the care of disabled persons, women's associations, child development homes and the National Organisation for Scouts and Guides. These civil society groups tend to have a welfare approach; they are mainly involved with the provision of social services to children, and are not apply a rights-based approach.

The regulatory environment in Oman is restrictive, with the Ministry of Social Affairs and Labour having right to prevent an association from registering if it finds that the services to be provided by the association are not needed, or if there are other associations that are already meeting the need that would be filled by the new organisation, or for any other reasons according to the decision of the Ministry.¹⁰¹³



1012-NGO Regulation Network, NGO Law and Regulation in Oman, http://www.ngoregnet.org/country_information_by_region/Middle_East_and_North_Africa/Oman.asp

1013-International Centre for Not-for-Profit Law, Global Trends in NGO Law, Volume 1, Issue 4: Survey of Arab NGO Laws, March 2010, <http://www.icnl.org/knowledge/globaltrends/globaltrends1-4.htm>





Qatar Country Profile

1. Country Overview

1.1 Demographic Profile

The State of Qatar, a hereditary emirate ruled by the Al-Thani family, is home to 1,409,000 persons, out of which 272,000 are below the age of 18, and 83,000 under 5.¹⁰¹⁴ Qatar has a very large migrant population: in 2010, the share of international migrants in total population was projected at 86.5 per cent.¹⁰¹⁵ Over a quarter of the international migrants were women. Non-citizen foreign nationals are mainly from Arab and South Asian regions.

1.2 Socio-economic Developments

Since achieving independence in 1971, Qatar has become one of the wealthiest nations in the Middle East and North African region. The population enjoys high living standards, with a high human development, ranking 38 out of 169 countries with comparable data on Human Development Index (HDI).¹⁰¹⁶ Thanks to Qatar's prosperity, propelled by its hydrocarbon exports, the country records one of the highest per capita income in the world, estimated to amount a staggering \$69,754.¹⁰¹⁷

1.3 Political Developments and Human Rights Record

Since the coming of power of Emir Sheikh Hamad bin Khalifa Al-Thani in 1995, Qatar has made significant strides in political liberalisation. In 1999, the first municipal elections of the 29-seat Central Municipal Council were held, and Qatari women were empowered to vote and to stand for office. In 2005, a reformist Constitution approved in a public referendum, entered into force. The Constitution, which affirms the principle of non-discrimination, affirmed the role of the state in providing for the social, economic, and educational well-being of its citizens and cemented reforms on the legislative front with the establishment of a legislative council.¹⁰¹⁸

While these represent significant advances, the human rights record of the country still needs to be improved. The Constitution remains restrictive, imposing considerable restrictions on freedom of assembly, press, and expression, and does not allow for the formation of political parties.¹⁰¹⁹ In both domestic legislation and in practice, discrimination against women remains and reports of abuse and exploitation of migrant workers' remain rife.¹⁰²⁰

1.4 Society and Culture in regards to Children

The family is perceived as the main social institution which supervises providing a suitable environment for children's care and growth. The influence of Bedouin tribal traditions is still strong. The United Nations (UN) Committee on the Rights of the Child (Committee) has expressed its concern that the views of children are not duly solicited or taken into account in private sphere and in the public sphere, particularly in judicial proceedings and in public debates.¹⁰²¹ The Committee furthermore noted the persistence of de jure and de facto discrimination against all children, in particular girls, children with disabilities, children born out of wedlock and children of migrant workers.

1014-2009 estimates, UNICEF 'Qatar: Statistics' http://www.unicef.org/infobycountry/qatar_statistics.html

1015-2010 estimates, United Nations Population Division, 'International Migrant Stock: 2008 Revision' <http://esa.un.org/migration/p2k0data.asp>

1016-UNDP Qatar Country profile of human development indicators <http://hdrstats.undp.org/en/countries/profiles/QAT.html>

1017-2009 estimates, Gross Domestic Product per capita (current US\$), World Bank, 'Qatar: Data', <http://data.worldbank.org/country/qatar>

1018-The Constitution is available at Qatari Ministry of Foreign Affairs website <http://english.mofa.gov.qa/details.cfm?id=80>

1019-Carnegie Endowment for International Peace Arab Reform Bulletin < Qatar's New Constitution: Limited Reform from the Top, 26 June 2003 <http://www.carnegieendowment.org/arb/?fa=show&article=21605>

1020-Amnesty International Report 2011: The State of the World's Human Rights, 2011.

1021-Committee on the Rights of the Child Concluding Observations: Qatar, 14 October 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/453/85/PDF/G0945385.pdf?OpenElement>



2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

The United Nations (UN) Convention on the Rights of the Child (Convention) was signed by Qatar on 8 December 1992, and ratified on 3 April 1995. Upon ratification, Qatar entered a general reservation by the State of Qatar concerning provisions that are inconsistent with the Islamic *Shariah*. In 2009, the State of Qatar declared its partial withdrawal of its general reservation, and restricted its reservations to Articles 2 (non-discrimination) and 14 (freedom of thought, conscience and religion) of the Convention.¹⁰²²

Qatar submitted its initial report on the implementation of the Convention to the Committee in October 1999. Its second periodic report was due on 2 May 2002, and was submitted on October 2008. Child Helpline International with the Qatar Foundation for the Protection of Women and Child submitted an alternative report in 2009.¹⁰²³ The Committee considered the second periodic report of Qatar and issued its Concluding Observations in October 2009.¹⁰²⁴ In its Concluding Observations, the Committee urged Qatar to address recommendations from the concluding observations on the initial report which have not been adequately implemented, urging Qatar to ensure the compatibility of its national legislative measures with the Convention, including provisions related to the best interests of the child, the definition of the child and juvenile justice. The Committee urged Qatar to expedite the adoption and implementation of the Children's Bill and the finalisation of the draft National Strategy for Children 2008–2013.

Qatar acceded to the Optional Protocol the Optional on the Involvement of Children in Armed Conflict (OPAC) on 25 July 2002. The country acceded to the Optional Protocol on the Sale of the Child, Child Prostitution and Child Pornography (OPSC) on 14 December 2001.¹⁰²⁵ Upon accession, Qatar had issued a general reservation regarding any provisions in the protocol that are in conflict with the Islamic *Shariah*. In 2008, Qatar officially withdrew the general reservation.¹⁰²⁶ It submitted its initial periodic report on the implementation of the OPSC in September 2005, and its report on the OPAC in August 2004.

2.2 International and Regional Human Rights Instruments

Qatar has acceded to many of the major UN conventions on human rights, namely the International Convention on the Elimination of All Forms of Racial Discrimination (1976), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2000), the Convention on the Elimination of All Forms of Discrimination Against Women (2009), the Convention on the Rights of Persons with Disabilities (2008) and the Convention on the Elimination of All Forms of Discrimination against Women (2009). It also ratified the (Amended) Arab Charter of Human Rights of the League of Arab States, after it entered into force on 15 March 2008.¹⁰²⁷

During the UN Human Rights Council Universal Periodic Review (UPR) of Qatar held on December 2010¹⁰²⁸, a number of delegations commended the positive measures taken at the

¹⁰²²-United Nations Treaty Collection, 'Human Rights: Convention on the Rights of the Child' http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

¹⁰²³-Child Helpline International and Qatar Foundation for the Protection of Women and Children, 'Recommendations to the UNI Committee on the Rights of the Child' 52nd Session– Qatar 2009

¹⁰²⁴-Committee on the Rights of the Child, 'Concluding Observations: Qatar' 14 October 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/453/85/PDF/G0945385.pdf?OpenElement>

¹⁰²⁵-United Nations Treaty Collection, 'Human Rights: Convention on the Rights of the Child' http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

¹⁰²⁶-United Nations Treaty Collection, Reporting Status http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&lang=en#7

¹⁰²⁷-The Charter is available at <http://www.unhcr.org/refworld/docid/3ae6b38540.html>

¹⁰²⁸-Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: Qatar', A/HRC/14/2, 15 March 2010, available at

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/120/77/PDF/G1012077.pdf?OpenElement>



legislative and institutional levels for the protection of children, such as the setting-up of women and children foundations and the national foundation to combat trafficking in persons. Delegates also formulated 16 child rights recommendations to Qatar, including on the importance of integrating human rights in the school curriculum focusing on awareness on children's rights and expressed concerns on pending challenges namely in the areas of discrimination and violence against the girl child, sexual abuse, the exploitation of children, the reduction of child mortality, and increase in the age of criminal responsibility. Qatar rejected the following recommendations: re-examining reservations to the Convention, increasing the age of criminal responsibility to 12, reviewing its Nationality Act which does not confer citizenship to children of Qatari women married to non-nationals, and consider abolishing the death penalty and corporal punishment against children.¹⁰²⁹

2.3 Status of the Right to Protection

Qatar has implemented a number of legislative and executive measures to promote the protection of children from abuse, violence, neglect and exploitation. Article 22 of the Constitution states that children must be safeguarded and protected from all forms of exploitation Articles 279 to 297 of the Penal Code n. 11 of 2004 also guarantee children protection from sexual exploitation and abuse, with higher penalty for offenders if the victim is a juvenile under 16 years of age.

Institutional measures include the establishment of the Qatari Foundation for the Protection of Children and Women, the Qatari Orphans Foundation to provide alternative care for orphaned children, the Qatar Foundation to Combat Human Trafficking. In addition, Qatar reports that since the enactment of the Law No. 22 of 23 May 2005 on Banning the Employment, Training and Participation of Children in Camel Racing, no cases of trafficking of young camel child jockeys have been reported. In its 2009 Concluding Observations, the Committee expressed its appreciation for the work carried out by the Qatari Foundation for the Protection of Children and Women. Set up in 2003, the foundation aims to provide an integrated system of protection from abuse and violence. It runs a safe house offering care, rehabilitation and treatment for children victims of abuse, and provides services to children referred to by their relatives, teachers, health centres, or other institutions. The Hotline set up by the Foundation however is not toll-free, and the Committee expressed its concerns that the Hotline is not accessible to all children.

Moreover, the Committee expressed its concern about the lack of information available on magnitude of domestic violence, including child abuse and neglect. According to a number of reports, cases of violence against children in the home have been rising, with over 1200 cases being referring to the Qatar Foundation for the Protection of Children and Women since 2004.¹⁰³⁰ Given social taboo surrounding violence, particularly sexual abuse, it is likely that the actual number of children in need of protection is significantly higher. While there have been efforts to run public education programmes – for example the Qatar Foundation for the Protection of Children and Women runs a 'Friends of Child Protection' which aims to raise public awareness on violence, abuse and neglect involving children, and the Qatar Foundation to Combat Human Trafficking has ran training courses entitled 'How to protect our children against molestation' public education campaigns need to be strengthened to effectively address child protection issues.¹⁰³¹

The Committee, in its 2009 Concluding Observations, also noted with appreciation the work undertaken by the Qatari Orphans Foundation and also recommended Qatar to standardise and control alternative care programmes, and establish an effective evaluation mechanism for alternative care, including care provided by the Qatari Orphans Foundation and *kafalah*.

1029-Compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review of Qatar is available at <http://www.crin.org/resources/infoDetail.asp?ID=21939&flag=report#aa>

1030-As reported in Habib Toumi, 'Qatar Devises Measure to Curb Domestic Violence', 12 April 2011, <http://www.habibtoumi.com/2011/04/12/qatar-devises-measures-to-curb-domestic-violence/>

1031-Committee on the Rights of the Child, 'Written Replies by the Government of Qatar to the List of Issues (CRC/C/QAT/Q/2) Prepared by the Committee on the Rights of the Child in connection with the Consideration of the Second Periodic Review', CRC/C/QAY/Q/2/Add.1, 4 August 2009



Qatar however has made few legislative advances with regards to corporal punishment. The Global Initiative to End All Corporal Punishment of Children reports that corporal punishment is lawful in the home and that children have limited protection from violence under the Criminal Code, the Code of Criminal Procedure and the Constitution; despite Ministerial Decree (1993) which states that corporal punishment should not be used in schools, there is no explicit prohibition in legislation.¹⁰³² It has also made weak progress in and the protection of children in conflict with the law. Despite repeated recommendations by the Committee and the Universal Periodic Review, the minimum age of criminal responsibility, set at 7, is still too low and the right of the child to be heard in criminal proceedings is not always observed. In addition, legislative progress on reducing early marriage has been minimal –the minimum age for marriage remains 18 years for boys and 16 years for girls.¹⁰³³

2.4 Status of the Right to Education

Article 8 of the Constitution stipulates “Education is a basic factor in the progress and well being of society, and is the right of every citizen. The State shall endeavour to realise the implementation of compulsory general education, free of charge at all levels”.¹⁰³⁴ Education in Qatar is free for children. Act No. 25 of 2001 on compulsory education makes education compulsory and free for all children from the start of the primary stage to the end of the secondary stage or 18 years of age, whichever comes first.¹⁰³⁵

In terms of elementary education, the gross enrolment average for boys and girls amounted to over 100 per cent while the net enrolment rate for boys is 95 per cent and for girls 94 per cent. Net enrolment rate for secondary school are significantly higher for girls than boys: 98 per cent and 67 per cent respectively.¹⁰³⁶ Although there are reports that the non-Qataris have difficulties accessing educational services, the Qatar Foundation has found that children of domestic workers benefit from the same service as Qatari children and have access to public and private schools.¹⁰³⁷ The country has made progress in enhancing access of children living with disabilities to education, through passing of the Persons with Special Needs Welfare Act No. 4 of 2004 and Ministerial Decision No. 6 of 2004 on inclusive education.¹⁰³⁸ However, information on percentage of disabled children that access primary and secondary education was not found.

2.5 Status of the Right to Survival and Development

Child and infant mortality rates have been declining progressively. Between 1990 and 2009, under-five mortality rate declined from 19 (per 1,000 live births) to 11, while under-one mortality declined from 17 to 10.¹⁰³⁹ The government ascribes the reduction of mortality rates to improved maternal and neonatal health coverage, in particular the design and broad implementation of vaccination campaigns for newborns. In 2009, 98 per cent of one-year old had been vaccinated against TB (tuberculosis) and 99 per cent against DPT (diphtheria, pertussis, and tetanus) for example.¹⁰⁴⁰

A national initiative to promote breastfeeding, the ‘Child Friendly Initiative’, including information sessions on breastfeeding and proper nutrition for newborns, has been introduced by the National

1032-Global Initiative to End All Corporal Punishment of Children, ‘Briefing for the Human Rights Council – Universal Periodic Review’, 2010

1033-Committee on the Rights of the Child, ‘Second periodic report of States parties due in 2002: Qatar’, CRC/C/QAT/2, 16 December 2008

1034-The Qatari Constitution is available at Qatari Ministry of Foreign Affairs website <http://english.mofa.gov.qa/details.cfm?id=80>

1035-Human Rights Council, National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1, A/HRC/WG.6/7/QAT/1, 19 November 2009

1036-2005-2009 figures, UNICEF ‘Qatar: Statistics’, http://www.unicef.org/infobycountry/qatar_statistics.html

1037-Committee on the Rights of the Child, ‘Summary Record of the 1447th Meeting’, CRC/C/SR.1447, 7 October 2009

1038-Human Rights Council, ‘National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1: Qatar’, A/HRC/WG.6/7/QAT/1, 19 November 2009

1039-UNICEF, ‘Qatar: Statistics’, http://www.unicef.org/infobycountry/qatar_statistics.html

1040-Ibid.



Health Authority and the Hamad Medical Corporation.¹⁰⁴¹ However, the rate of exclusive breastfeeding for infants remains very low, even by regional standards, at 12 per cent.¹⁰⁴²

2.6 Status of the Right to Health

Article 23 of the Constitution guarantees to a certain extent the right to health “the State shall care for the public health and provide means of prevention from diseases and epidemics, and medical treatment according to the law”.¹⁰⁴³ In 2008, health expenditure amounted to 5 per cent of general government expenditure.¹⁰⁴⁴

The government states that there is no discrimination between Qatari and non-Qatari children with regard to the provision of health services, and that all children receive treatment free of charge.¹⁰⁴⁵ Free treatment for preventive health services for mothers and children, school health services, treatment of infectious diseases and treatment in emergency and accident cases where the patient needs to be hospitalised, is provided, and the Persons with Special Needs Act No. 2 of 2004 stipulates that additional services, including preventive health services, medical treatment, health and psychological care and medical reports, must be offered free of charge to children living with disabilities.¹⁰⁴⁶

In its 2009 Concluding Observations, the Committee welcomed efforts made by Qatar to protect adolescent health. However, it was concerned at the emerging trends in obesity, psychological and mental health problems, and lack of access of adolescents to sexual and reproductive health information, including on sexually transmitted diseases and HIV/AIDS.¹⁰⁴⁷

2.7 Status of the Right to protection under emergencies

There is an information gap with regards to the status of child rights under natural disasters or armed conflict. Qatar has declared its intention to accede to the 1951 Convention relating to the Status of Refugees.¹⁰⁴⁸ Currently, there are no figures on the registration of refugee children, and the state is now working on a project to provide protection, and rehabilitation, such as physical and psychological care, to refugees, including children.¹⁰⁴⁹ Further research is needed on disaster risk reduction planning in Qatar, and whether child-rights are integrated.

3. Stakeholder Analysis

3.1 Government Structures

The Qatari Supreme Council for Family Affairs is the main governmental body responsible for children’s issues. Other key institutions involved in child protection are the Qatar Foundation to Combat Human Trafficking and the Qatar Foundation for the Protection of Children and Women. The latter has established a number of facilities such as the Dar al-Aman al-Qatariyyah, a shelter for homeless women and children victims of abuse and violence. Other institutions that have been set up by the government since 2000 include Shafallah Centre for Children with Special Needs, The Cultural Centre for Motherhood and Childhood, which raises awareness of effective child-raising techniques, the Family Consultation Centre.¹⁰⁵⁰

1041-Committee on the Rights of the Child, ‘Second periodic report of States parties due in 2002: Qatar’, CRC/C/QAT/2, 16 December 2008

1042-2005-2009 figures, UNICEF, ‘Qatar: Statistics’ http://www.unicef.org/infobycountry/qatar_statistics.html

1043-The Constitution is available at Qatari Ministry of Foreign Affairs website <http://english.mofa.gov.qa/details.cfm?id=80>

1044-WHO, ‘Country Profiles Qatar’, <http://www.emro.who.int/emrinfor/index.aspx?Ctry=qat>

1045-Committee on the Rights of the Child, ‘Summary Record of the 1447th Meeting’, CRC/C/SR.1447, 7 October 2009

1046-Committee on the Rights of the Child, ‘Second periodic report of States parties due in 2002 Qatar’, CRC/C/QAT/2, 16 December 2008

1047-Committee on the Rights of the Child, ‘Concluding Observations: Qatar’, CRC/C/QAT/CO/2, 14 October 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/453/85/PDF/G0945385.pdf?OpenElement>

1048-Committee on the Rights of the Child, ‘Concluding Observations: Qatar: Committee on the Rights of the Child, Forty sixth session, Consideration of Reports Submitted by State Parties Under Article 8 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict’, CRC/C/OPAC/QAT/CO/1, 17 October 2007

1049-NGO Group for the Convention of the Rights of the Child, ‘State Party Examination of Qatar’s Initial Report on the Optional Protocol of Children in Armed Conflict (OPAC)’, 46th Session of the Committee on the Rights of the Child, 17 September – 5 October 2007

1050-Committee on the Rights of the Child, ‘Second periodic report of States parties due in 2002: Qatar’ CRC/C/QAT/2, 16



3.2 Civil Society

Civil society is restricted in Qatar. A 2006 law regarding the establishment of 'private establishments having public interest' allows for relaxed requirements for the formation of independent local and international non-governmental organisations (NGOs) in the country. In theory, the law allows the registration of independent NGOs without the administrative hurdles and monetary requirements of the previously enacted law governing the formation of professional societies.¹⁰⁵¹ Further research is needed on whether this law is effectively enforced.



Saudi Arabia Country Profile

1. Country Overview

1.1 Demographic Profile

The Kingdom of Saudi Arabia is bordered by Jordan and Iraq on the north and north east, Kuwait, Qatar, and the United Arab Emirates (UAE) on the east, Oman on the southeast and Yemen on the south. The country is home to 25.7 million persons, out of which nearly 9.9 million are under the age of the 18, and 2.8 million under the age of 5.¹⁰⁵² Shi'a minority represent between 10 and 15 per cent of the population.¹⁰⁵³

With an estimated 7.3 million migrants, Saudi Arabia is one of the countries in the world with the largest number of international migrants.¹⁰⁵⁴ One third of international migrants are female. Migrant workers mainly come from South and South East Asia (India, Indonesia, Philippines, and Sri Lanka) and are employed in the construction, domestic service, and service business sectors. The country hosts an estimated 70,000 stateless persons in Saudi Arabia (the majority of which are 'Bidoon')¹⁰⁵⁵. Stateless persons are granted five year residence permits¹⁰⁵⁶ among the poorest residents of the country because of their marginalised status and societal discrimination with regards to access to employment and educational opportunities.¹⁰⁵⁷ In addition, there are reports that there are stateless Rohingya from western Myanmar who have settled in Saudi Arabia, and an estimated 290,000 Palestinian refugees, the majority of whom have been granted residence.¹⁰⁵⁸

1.2 Socio-economic Developments

With around one-quarter of the world's known oil reserves, oil wealth has led to high economic growth and substantial investments in infrastructure and basic services such as education, health facilities, safe drinking water and utilities. In a recent United Nations (UN) report, Saudi Arabia was ranked fifth amongst the top Human Development Index (HDI) movers, having made considerable progress in improving human development during the period 1970-2010.¹⁰⁵⁹ Per capita income

December 2008

1051-US Department of State, '2010 Country Reports on Human Rights Practices', 8 April 2011, Qatar Country Report available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154471.htm>

1052-2009 estimates, UNICEF, 'Saudi Arabia: Statistics', http://www.unicef.org/infobycountry/saudiarabia_statistics.html

1053-Human Rights Watch, 'Persistent Political Ice Age, Saudi authorities react to the 'Arab Spring by crushing dissent', 2 June 2011, available at <http://www.hrw.org/en/news/2011/06/02/persistent-political-ice-age>

1054-2010 estimate, United Nations Population Division, 'International Migrant Stock: 2008 Revision' <http://esa.un.org/migration/p2k0data.asp>

1055-Bidoon short for Bidoon Jinsiya, or without nationality in Arabic. As of January 2010, UNHCR, 'Saudi Arabia, 2011 Regional Operations Profile - Middle East', <http://www.unhcr.org/pages/49e486976.html>

1056-Laura van Waas for UNHCR, 'The Situation of Stateless Persons in the Middle East and North Africa', October 2010

1057-US State Department 'Saudi Arabia - 2006 Country Report on Human Practices', 6 March 2007

1058-There are discrepancies in the number of stateless Rohingya who have been granted citizenship and in the number of Palestinian refugees in Saudi Arabia. United Nations Population Division reports that there were 240,757 refugees in mid 2010 in Saudi Arabia <http://esa.un.org/migration/p2k0data.asp>, while UNHCR reports that 575 registered refugees and 70,000 stateless persons residing in 2011 <http://www.unhcr.org/pages/49e486976.html>

1059-UNDP, 'The Real Wealth of Nations: Pathways to Human Development, Human Development Report 2010 - 20th Anniversary Edition', 2010



however is a modest \$17,200, and youth unemployment is high at 28 per cent.¹⁰⁶⁰

1.3 Political Developments and Human Rights Record

Saudi Arabia is a monarchy governed by the King, who is also the commander in chief of the military, and who appoints a Crown Prince to help him with his duties. King Abdullah ben Abdulaziz Al Saud ascended to the throne in 2005 after his brother, King Fahd, passed away.

There have been a number of achievements in improving political participation of citizens and in promoting human rights. The first journalists association was formed and a Centre for National Dialogue established in 2003, and the first ever municipal election in the country's history took place in 2005. In 2006, the government of Saudi Arabia permitted Human Rights Watch to conduct a four week fact-finding mission.¹⁰⁶¹ In a review of human rights record of Saudi Arabia since the coming to power of King Abdullah, Human Rights Watch reports that while human rights record remains poor, modest progress has been made in terms of women's rights, freedom of expression, judicial fairness, and religious tolerance. In general however, Saudi law and policies continue to discriminate against religious minorities, especially Shi'a and Ismaili Saudis.¹⁰⁶² Human Rights Watch furthermore highlights that the reform agenda has neglected the rights of migrant workers who are recruited for temporary contract work.¹⁰⁶³ In 2007, the country revised its Nationality Law to allow the sons of citizen mothers and non-citizen fathers to claim Saudi nationality when they reach majority but did not extend the same opportunity to daughters in the same situation.¹⁰⁶⁴ The system of male guardianship in place in Saudi Arabia means that women continue to be treated as legal minors, with male guardians determining whether women may work, study or travel persists, despite Saudi Arabia's 2009 pledge to the Human Rights Council to abolish this system.¹⁰⁶⁵

Unrest and protests that swept across the Middle East and North Africa in early 2011 ('Arab Spring') were quelled in Saudi Arabia by pre-emptive security measures. The government also sought to defuse opposition demanding regime change by promising an unprecedented generous package of US\$37 billion to cover unemployment benefits and education and housing subsidies.¹⁰⁶⁶

1.4 Society and Culture in regards to Children

Society remains deeply embedded in patriarchal and tribal norms and values. The Basic Law of Saudi Arabia states that the family, represented by the elder male, is the core of Saudi society and the State strives to strengthen the bonds of the family. The society is sex-segregated and girls and boys are brought up differently, with girls' education for example being perceived by some families as preparing them for their 'natural roles' as mothers and wives.¹⁰⁶⁷

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

Saudi Arabia acceded to the UN Convention on the Rights of the Child (Convention) on 26 January 1996. Upon accession, the government of Saudi Arabia expressed a general reservation with respect

1060-2009 estimates, Gross National Income per capita, Atlas method (current US\$), 2008 percentage of total labour force ages 15-24, World Bank, 'Saudi Arabia Statistics', <http://data.worldbank.org/country/saudi-arabia>

1061-These achievements are enumerated in UNDP 'Arab Human Development Index' <http://arabhumanrights.org/en/countries/country.aspx?cid=16>

1062-Human Rights 'World Report 2008: Events of 2007', 30 January 2008, Saudi Chapter available at <http://hrw.org/englishwr2k8/docs/2008/01/31/saudia17618.htm>

1063-Human Rights Watch, 'Looser Rein, Uncertain Gain', 27 September 2010

1064-Laura van Waas for UNHCR, 'The situation of stateless persons in the Middle East and North Africa', October 2010

1065-Human Rights Watch, 'World Report 2011: Events of 2010', 24 January 2011, Saudi Chapter available at <http://www.hrw.org/en/world-report-2011/saudi-arabia>

1066-Guardian, 'Saudi Arabian security forces quell day of rage protests', 11 March 2011

1067-Unless otherwise stated, information is from Human Rights Council, 'Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk Mission to Saudi Arabia', A/HRC/11/6/Add.3, 14 April 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/G09/128/22/PDF/G0912822.pdf?OpenElement>



to all such articles that are in conflict with the provisions of Islamic law.¹⁰⁶⁸ Saudi Arabia submitted its initial report to the Committee on the Rights of the Child (Committee) in October 1998 and its second periodic report in November 2003. It is due to submit its combined third and fourth reports on 24 August 2011. On 10 June 2011, Saudi Arabia acceded to the Optional Protocols to the Convention on the Involvement of Children in Armed Conflicts (OPAC). It acceded to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 18 August 2010.

Since the Committee issued its last Concluding Observations on the second periodic report in March 2006, a number of areas of concerns and recommendations formulated by the Committee have been addressed, in particular in the areas of child protection, as described in greater detail in the following section. However, there is no indication that Saudi Arabia will follow up on the recommendation of the Committee to withdraw its general reservation to the Convention, and the country is still lagging in ensuring that domestic legislation is fully aligned to principles and provisions of the Convention, including the promotion of civil rights and freedoms. Moreover, despite the Committee's recommendations to establish and identify the yearly budgetary amount and proportion spent on persons under 18 years of age, budgetary information is not widely available, thus rendering difficult systematic assessment of the impact of allocations on the implementation of the rights.¹⁰⁶⁹

2.2 Regional and International Human Rights Instruments

Saudi Arabia has ratified or acceded to major United Nations conventions concerned with human rights, namely: the International Convention on the Elimination of All Forms of Racial Discrimination (1997), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1997), the Convention on the Elimination of All Forms of Discrimination against Women (2000), and the Convention on the Rights of Persons with Disabilities (2008).

Saudi Arabia agreed to the 'Cairo Declaration on Human Rights in Islam', a 1990 guiding document issued by the Organisation of the Islamic Conference (OIC).¹⁰⁷⁰ The document, which is not subject to ratification, includes an article on childcare ('of the moment of birth, every child has rights due from the parents, the society and the state to be accorded proper nursing, education and material, hygienic and moral care'.) Saudi Arabia also ratified the (Amended) Arab Charter of Human Rights of the League of Arab States, after it entered into force on 15 March 2008.¹⁰⁷¹

The UN Human Rights Council Universal Periodic Review (UPR) of Saudi Arabia was held in February 2009. A number of delegations enumerated pending challenges related to the realisation of child rights, including persistence of corporal punishment at schools, early marriage and age of criminal responsibility, and recommended that the country develop legislative measures for the protection children pursuant to the recommendations of the Committee, including prohibiting all forms of exploitation and to provide reintegration assistance programme for victims of violence and exploitation, and raising the age of criminal responsibility. While Saudi Arabia accepted to review these recommendations, it refused to accept the recommendation to cease the application of corporal punishment in accordance with its international human rights obligations.¹⁰⁷²

1068-United Nations Treaty Collection, 'Human Rights: Convention on the Rights of the Child' http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

1069-Committee on the Rights of the Child, 'Concluding Observations of the Committee on the Rights of the Child: Saudi Arabia', CRC/C/SAU/CO2, 17 March 2006

1070-OIC, 'Cairo Declaration on Human Rights in Islam', 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,3ae6b3822c,0.html>

1071-The Charter is available at <http://www.unhcr.org/refworld/docid/3ae6b38540.html>

1072-Human Rights Council 'Report of the Working on the Universal Periodic Review: Saudi Arabia', A/HRC/11/23 4 March 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/117/53/PDF/G0911753.pdf?OpenElement>



2.3 Status of the Right to Protection

A number of legislative measures have been put in place to better protect children from exploitation, neglect, abuse, and violence. Upon review of the second periodic report of Saudi Arabia in 2006, the Committee welcomed the adoption of the National Plan of Action for 2005-2015. To date, however, information on the implementation of the National Plan of Action, including resources allocated, remains limited, as does information on the Strategy to prevent Child Labour and Exploitation. The country has made significant advances in the area of child protection. Since 2008, Child Protection Centres have been set up in 38 hospitals throughout the country, and advanced training to Child Protection Teams have been delivered by the International Society for the Prevention of Child Abuse and Neglect (ISPCAN); reporting of child abuse and neglect cases by healthcare professionals is now mandatory according to directive issued by the Ministry of Health in January 2008.¹⁰⁷³ The draft Child Bill to protect children from abuse and neglect, which was welcomed by the Committee in 2006, was finally approved by the *Shoura* Council in January 2011. The Bill includes 26 articles outlining the rights of the children, in particular right to be protected from abuse physical and mental abuse, neglect, sexual exploitation, labour, trafficking, and neglect.¹⁰⁷⁴ In addition, during its Universal Periodic Review, Saudi Arabia reported that it will promulgate and implement a Disabled Persons Act and a Bill of Law criminalising all forms of domestic violence.¹⁰⁷⁵ Effective implementation of child protection measures is necessary given the high prevalence of violence against children. Statistics from the Saudi Ministry of Interior suggest that 45 per cent of children are at risk of violence, with 21 per cent of violence against children happening on a daily basis.¹⁰⁷⁶

The Child Bill reportedly does not include provisions on child marriage. In 2006, the Committee had advised Saudi Arabia to clearly set by law the minimum age for marriage “at the same internationally acceptable level for boys and girls”. Saudi Arabia’s Human Rights Commission (HRC) is also recommending a minimum age for marriage in Saudi Arabia as well as penalising under-age marriage. According to the HRC, the Ministry of Justice has begun studying ways to set a minimum age for marriage. It is expected that the minimum age will be set at 16.¹⁰⁷⁷

Although there are no exact figures on child marriages, the phenomenon is thought to be prevalence in Saudi Arabia, with some studies suggesting that no less than 3,000 girls were under 13 when they got married, while their husbands were at least 25 years their senior.¹⁰⁷⁸ In general, data and information on children vulnerable to violence, including sexual violence, and in need of protection, is not currently available.

It is not known whether the draft Child Rights Bill criminalises corporal punishment in the home, alternative care settings, schools, and in penal systems. Although parents, foster parents or guardians currently face prosecution if they “abuse correctional or disciplinary methods in such a way as to endanger the physical or mental health or survival of their wards”¹⁰⁷⁹, corporal punishment as a disciplinary measure which does not ‘endanger health

1073-M. Al Eissa and M. Almuneef ‘Child Abuse and Neglect in Saudi Arabia: Journey of Recognition to Implementation of National Prevention Strategies’, *Child Abuse & Neglect* 34 (2010) 28–33, 2010

1074-Arabnews.com ‘Shoura passes bill on rights of children, 18 January 2011, available at <http://arabnews.com/saudi Arabia/article237052.ece>

1075- Human Rights Council Universal Periodic Review A/HRC/11/23 4 March 2009

1076-Arabnews.com, ‘Online drive to stop child abuse launched’, 16 December 2010, <http://arabnews.com/saudi Arabia/article217280.ece>

1077-Arab News, ‘HRC welcomes Justice Ministry move to stop child marriages’, 20 January 2009, <http://archive.arabnews.com/?page=1§ion=0&article=118319&d=20&m=1&y=2009&pix=kingdom.jpg&category=Kingdom>

1078-Arab News, ‘Child marriages, an issue still not resolved’, 8 March 2011, <http://www.bettercarenetwork.org/resources/infoDetail.asp?ID=24377&flag=news>

1079-Global Initiative to End All Corporal Punishment of Children and Save the Children Sweden, ‘Ending Legalised Violence against Children, Global Report 2010’, 2010



or survival' is not penalised. And while the Ministry of Education has issued circular advising against the beating or ill treatment of children at schools, it is not prohibited by law.¹⁰⁸⁰

Corporal punishment can also be imposed on persons having committed a crime when under 18 years of age at the discretion of the judge.¹⁰⁸¹ In 2006, the Committee also recommended that Saudi Arabia reform its juvenile justice in line with national standards and abolish the imposition of capital, corporal punishment and flogging on persons less than 18 years of age having committed crimes. Under the current juvenile justice system, regulated by Juvenile Justice Act 1975, the Juvenile Justice Regulations 1969, the Law of Criminal Procedure 2001, the Detention and Imprisonment Act 1978, the Detention Regulation and the Juvenile Homes' Regulation 1975, and the Basic Law of Governance 1992 allows capital punishment, corporal punishment, and life imprisonment are lawful sentences for child offenders.

In accordance with Ministerial Ordinance No. 19583 of 22/6/1422 AH, a special department has been established in the Ministry of Social Affairs to process applications for the fostering of children of unknown parentage with a view to providing shelter for such children.¹⁰⁸²

2.4 Status of the Right to Education

Article 30 of the Basic Law states "The State makes education available and adheres to the principle of illiteracy eradication".¹⁰⁸³ Under the 2000-2005 Five Year Development Plan, primary education has become compulsory for boys and girls, and is free of all direct and indirect costs for boys and girls, including non-citizens, and under the Royal Approval No. 7/B/5388 of 15 May 2002, pre-school was made a basic stage of general education. In its Concluding Observations, the Committee commended Saudi Arabia for its educational programmes, and its efforts to treat children of all nationalities are treated on the same footing as Saudi children as regards access to educational services.¹⁰⁸⁴

Education indicators suggest that access has been improving. Net primary school enrolment rate which was 77 per cent for boys and 79 per cent for girls during the period 2000-2006 is now 85 for boys and 84 girls; similarly, net secondary school enrolments have increased from 63 to 70 for boys and 68 to 76 for girls during the same period.¹⁰⁸⁵

Some of the educational challenges highlighted by the Committee include: low enrolment rate in pre-primary education, the low participation in intermediate and secondary education, limited non-formal education services for educationally deprived children, high adult and girl illiteracy rates, and restricted access to education for children of migrant workers. Bidoon reportedly have difficulties accessing education services, and the Saudi Ministry of Education is now said to be taking steps to ensure that Bidoon children are able to attend school.¹⁰⁸⁶ In the same way, those Rohingya in Saudi Arabia who do not hold residence permits face difficulties enrolling their children in public schools.¹⁰⁸⁷

1080-*Ibid.*

1081-Committee on the Rights of the Child, 'Concluding Observations of the Committee on the Rights of the Child: Saudi Arabia', CRC/C/SAU/CO2, 17 March 2006

1082-Human Rights Council Universal Periodic Review 'National Report Submitted: Saudi Arabia', A/HRC/WG.6/4/SAU/1 4 December 2008

1083-*Ibid.*

1084-Committee on the Rights of the Child, 'Concluding Observations of the Committee on the Rights of the Child: Saudi Arabia', CRC/C/SAU/CO2, 17 March 2006

1085-2000-2006 estimates, and 2005-2009 estimates, UNICEF, 'Saudi Arabia: Statistics', http://www.unicef.org/infobycountry/saudiarabia_statistics.html

1086- UNHCR, 'The Situation of Stateless Persons in the Middle East and North Africa', October 2010

1087-*Ibid.*



2.5 Status of the Right to Survival and Development

Saudi Arabia has invested in free curative, preventive, and rehabilitation services for children through its primary health care centres. Child health remains a concern in Saudi Arabia, despite important strides made in reducing child and infant mortality rates. Under-5 mortality rate decreased from 43 (per 1,000 live births) to 21 between 1990 and 2009, and under-1 mortality rate from 35 to 18 during the same period¹⁰⁸⁸, still high by Gulf regional standards. Reductions in child and infant mortality rates are attributable to high immunisation coverage, improved nutrition, adequate water and sanitation and reduction of acute respiratory illnesses.¹⁰⁸⁹

The share of under-fives who are suffering from moderate or severe underweight however remains relatively high at 14 per cent.¹⁰⁹⁰ Only 31 per cent of infants are six months of age are exclusively breastfed.¹⁰⁹¹

2.6 Status of the Right to Health

Article 31 of the Basic Law stipulates that “The State shall show concern for public health and shall provide health care for every citizen”.¹⁰⁹² In its Concluding Observations in 2006, the Committee commended Saudi Arabia for implementing measures to improve the health situation of children, namely the adaptation of the Health Act in 2002, significant investment in the health sector, breaking the silence around HIV/AIDS, programmes for the elimination and prevention of infectious diseases and breaking the silence around HIV/AIDS.¹⁰⁹³

The Committee recommended the country to improve the nutritional status of infants and children paying particular attention to children in rural areas and simultaneously to address child obesity and promotion of a healthy lifestyle among children and their parents. Child obesity is a growing challenge in Saudi Arabia: according to one survey, at age 2-4 years, the proportions of children who are overweight and obese are 18 and 19 per cent respectively; by age 14-18 years the proportions are 20 and 27 per cent.¹⁰⁹⁴ In response to the exponential rise in obesity, national campaigns have been launched. Death toll and injuries from road accidents are also an area of concern, with death from road traffic accidents now the largest cause of death for young adult males.¹⁰⁹⁵

The Committee has also urged Saudi Arabia to promote adolescent health, including sex and reproductive health education in schools, and to provide adolescents with youth-sensitive and confidential counselling and healthcare services. Although detailed information is lacking, there are grounds for concern that girls from rural areas have restricted access to adequate health care.¹⁰⁹⁶ The country is a low HIV/AIDS prevalence country, although figures show that since 1984, there have been over 7,000 cases of HIV/AIDS, out of which about 1,100 were citizens.¹⁰⁹⁷ Gender and age disaggregated data on HIV/AIDS and sexually transmitted infections were not found.

1088- UNICEF, ‘Saudi Arabia: Statistics’, http://www.unicef.org/infobycountry/saudiarabia_statistics.html

1089-WHO, ‘Country Cooperation Strategy 2006-2011’, EM/ARD/014/E/R, 2006

1090-2003-2009 UNICEF, ‘Saudi Arabia: Statistics’, http://www.unicef.org/infobycountry/saudiarabia_statistics.html

1091-2005-2009, UNICEF, ‘Saudi Arabia: Statistics’, http://www.unicef.org/infobycountry/saudiarabia_statistics.html

1092-Human Rights Council Universal Periodic Review ‘National Report Submitted: Saudi Arabia’, A/HRC/WG.6/4/SAU/1 4 December 2008

1093-Committee on the Rights of the Child, ‘Concluding Observations of the Committee on the Rights of the Child: Saudi Arabia’, CRC/C/SAU/CO2, 17 March 2006

1094-WHO, ‘Eastern Mediterranean Health Journal’, Volume 16 No.9 September, 2010

1095-WHO, ‘Country Cooperation Strategy 2006-2011’, EM/ARD/014/E/R, 2006

1096-Committee on the Elimination of Discrimination against Women, ‘Concluding Comments of the Committee on the Elimination of Discrimination against Women’, Saudi Arabia, CEDAW/C/SAU/CO/2, 8 April 2008

1097-WHO, ‘Country Cooperation Strategy 2006-2011’, EM/ARD/014/E/R, 2006



2.7 Status of the Child Rights under Emergencies

Saudi Arabia is not party to the 1951 UN Convention Relating to the Status of Refugees. The Basic Law provides that “the state will grant political asylum, if so required by the public interest”. The country has no refugee legislation nor has it established administrative procedures for asylum-seekers. Since 1998, the government has established with the UN Refugee Agency (UNHCR) a system for carrying out refugee status determinations, and the government provides in practice against *refoulement*, the forced return of persons to a country where they feared persecution.¹⁰⁹⁸ Further information on the status of right to protection and education under emergencies was not found.

3. Stakeholder Analysis

3.1 Government Structures

Formed in 1979, and chaired by the Minister of Education, the National Committee for Children sets and implements policies and strategies for children, with support from the United Nations Children’s Fund (UNICEF). The Social Protection Department attached to the Ministry of Social Affairs is responsible for protecting women and children who have been subjected to ill-treatment and violence. Further research is needed to assess the effectiveness of these institutions, and coordination of child-focused programmes and policies in Saudi Arabia. In 2006, the Committee expressed its concerns that effective coordination had not been fully developed, including between central, regional and local authorities.

The National Family Safety Programme in November 2005, by royal decree of the king, as an example of a specialised quasi-governmental agency dedicated to the prevention of child abuse and domestic violence. Furthermore, the Human Rights Commission and the Human Rights Society were also initiated in 2005 and have been active on child rights issues¹⁰⁹⁹.

3.2 Civil Society

Freedom of association is severely limited in Saudi Arabia, although there has been some liberalisation since 2003. A draft Law on Associations and Foundations was approved by the Shoura Council in December 2007 and reportedly is still waiting approval and adoption of the King. The current status of the law is not clear.¹¹⁰⁰

There are now over 15 unions and professional associations, as well as over 50 charitable associations and foundation.¹¹⁰¹ Saudi Red Crescent Society is a partner of UNICEF projects to establish a database of information related to Convention, to enhance child participation, and to improve quality of pre-school education. Arab Urban Development Institute, Nayef Arab University for Security Science and AL Bir Charity are implementing partners of UNICEF protection programmes. At least three non-governmental organisations (NGOs) in Riyadh, Qassim, and Jeddah operate shelters for women and children.¹¹⁰² While acknowledging the growing number of civil society associations for charitable purposes, the Committee has expressed its concerns about the limited number of rights-organisations, and has also recommended the government to enhance its dialogue and communication with NGOs.¹¹⁰³

1098-US Department of State, ‘2010 Country Reports on Human Rights Practices’, 8 April 2011, Saudi Arabia Country Report, available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154472.htm>

1099-M. Al Eissa and M. Almuneef ‘Child Abuse and Neglect in Saudi Arabia: Journey of Recognition to Implementation of National Prevention Strategies’ *Child Abuse & Neglect* 34 (2010) 28–33, 2010

1100-International Centre for Not-for-Law, ‘Global Trends in NGO Law’ *Quarterly Review of NGO legal Trends around the World*, Volume 1, Issue 4, March 2010

1101-For a list of civil society organisations, see UNDP ‘Programme on Governance in the Arab region’, <http://www.pogar.org/countries/more.asp?ADctry=11&ADinst=13>

1102-US Department of State, ‘2010 Country Reports on Human Rights Practices’, 8 April 2011, Saudi Arabia Country [report](http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154472.htm), available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154472.htm>

1103-Committee on the Rights of the Child, ‘Concluding Observations of the Committee on the Rights of the Child: Saudi Arabia’, *CRC/C/SAU/CO2*, 17 March 2006





Syria Country Profile

1. Country Overview

1.1 Demographic Profile

The Syrian Arab Republic borders Lebanon and the Mediterranean Sea to the West, Turkey to the north, Iraq to the east, Jordan to the south and Israel to the southwest. The country is home to 22 million persons; 9 million are below the age of 18 and nearly 2.9 million below the age of 5.¹¹⁰⁴ The majority of the population is Arab, while nearly 10 per cent are Kurds, Armenians and other minority groups.¹¹⁰⁵ Kurds have been systematically discriminated against, including arbitrary denial of citizenship to an estimated 300,000 Syria-born Kurds.¹¹⁰⁶

Syria hosts large refugee communities. There are over 1 million refugees in Syria the majority of which are Iraqis; only 150,000 Iraqi refugees and 6,500 refugees and asylum-seekers from other countries are assisted by the United Nations Refugee Agency (UNHRC).¹¹⁰⁷ 8 per cent of registered Iraqi refugees are under five years of age, whereas 28 per cent are within the 5-17 age groups.¹¹⁰⁸ In addition, over 478,000 Palestinians were registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), out of which 129,000 live in camps.¹¹⁰⁹ More than 200,000 of Palestinian refugees registered with UNRWA are under 18 years of age.¹¹¹⁰ Palestinian refugees are entitled to residency and have the same rights to social services and right to work as Syrian citizens, but they do not have citizenship or right to vote.

As a result of the Israeli occupation of the Golan in 1967, between 275,000 persons were displaced and forced to relocate to other locations inside Syria.¹¹¹¹ Today, these internally displaced persons exceed 500,000.¹¹¹² An estimated 20,000 Syrians continue to live in the occupied Golan, and do not have access to services provided by the Syrian government.

1. Socio-economic Developments

Syria is a lower middle income country, with average per capita income of \$2,640.¹¹¹³ The country is considered a medium human development country, with its Human Development Index (HDI) ranking 111 out of 169 countries with comparable data.¹¹¹⁴ The Syrian economy, which depends on the agriculture sector for 20 per cent of its output and 20 per cent of its employment, has been stagnating due to prolonged drought.¹¹¹⁵ Consecutive harvest failure is pushing an increasing number of households into poverty. In 2008, extreme poverty reached 17 per cent of total population, instead of moving towards the target of 8.7 per cent.¹¹¹⁶ The impact

1104-2009 estimates, UNICEF, 'Syrian Arab Republic: Statistics', http://www.unicef.org/infobycountry/syria_statistics.html

1105-US Department of State, 'Background Note Syria', <http://www.state.gov/r/pa/ei/bgn/3580.htm>

1106-Human Rights Watch, 'World Report 2011: Events of 2010', 24 January 2011 Syria Chapter, available at <http://www.hrw.org/en/world-report-2011/syria>

1107-Figures of January 2011, UNHCR, '2011 UNHCR country operations profile - Syrian Arab Republic', <http://www.unhcr.org/pages/49e486a76.html>

1108-UN OCHA, 'Regional Response Plan for Iraqi Refugees: 2011', 28 December 2010

1109-As of June 2010, UNRWA, UNRWA in figures, <http://www.unrwa.org/userfiles/2011031065331.pdf>

1110-UNICEF, 'Palestinian Children and Women in Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory Country Programme Document 2011-2013', 2010

1111-Committee on the Rights of the Child, 'Initial Report of State Parties due in 1995, Consideration of Reports Submitted by State Parties Under Article 44 of the Convention on the Rights of the Child: Syrian Arabic Republic', CRC/C/28/Add.2, 14 February 1996

1112-Permanent Mission of Syria to the United Nations, 'Syrian Golan' <http://www.un.int/syria/golan.htm>

1113-2010 estimates, Gross National Income per capita, Atlas method (current US\$), World Bank, 'Syrian Arab Republic Data', <http://data.worldbank.org/country/syrian-arab-republic>

1114-UNDP, 'Human Development Index and its Component', http://hdr.undp.org/en/media/HDR_2010_EN_Table1_reprint.pdf

1115-World Bank, 'Syrian Arab Republic Country Brief', available at World Bank website, www.worldbank.org

1116-Human Rights Council, 'Report of the Special Rapporteur on the Right to Food, Olivier De Schutter Addendum Mission to the Syrian Arab Republic', A/HRC/16/49/Add.2, 27 January 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/104/59/PDF/G1110459.pdf?OpenElement>



of successive droughts has been dramatic for rural households, with income of small-scale farmers and herders dropping by as much as 90 per cent.¹¹¹⁷ Many households are coping with decreased income by reducing food intake and taking children out of school to earn extra income.

1.2 Political Developments and Human Rights Record

Since 1963, the country has been ruled by the authoritarian Alawite-controlled Ba'ath party. The expectations that political environment will improve after the accession to power of Bashar Al Assad in 2000 were quickly dashed. Despite the release of hundreds of political prisoners, major political reforms have not been forthcoming, and the government's human rights record remains poor. Syria's Criminal Code, the Personal Status Laws, and the Nationality Law, which denies women, married to foreign spouses, the right to transmit their citizenship to their children, discriminate against women.¹¹¹⁸ The Emergency Laws imposed in 1963 remained in place till April 2011, enabling the government to act in many areas in the name of security, and authorities have consistently violated civil and political rights of citizens, arresting political and human rights activists, censoring websites, detaining bloggers, and imposing travel bans, according to Human Rights Watch.¹¹¹⁹ The United Nations (UN) Committee against Torture has also expressed its deep concerns about "numerous, ongoing, and consistent allegations concerning the routine use of torture by law enforcement and investigative officials, at their instigation or with their consent, in particular, in detention facilities".¹¹²⁰

In March 2011, as part of a broader 'Arab Uprising', protests and demonstrations broke out across Syria, calling for political and economic reforms. More than 10,000 Syrians are reported to have crossed into Turkey to escape military forces that have been cracking down on opposition movement against the regime of President Bashar al-Assad.¹¹²¹ Human rights group claim that at least 1,400 civilians were killed between March and July 2011.¹¹²²

1.3 Society and Culture in regards to Children

According to Article 44 of the Syrian Constitution, the family is the nuclear unit of society and is protected by the State. Parents play the largest role in family welfare and the raising of children, while the State, through government departments and with the assistance of different popular organisations, strives to provide for the education and welfare of children and to advise parents about ways of dealing with their children, whether or not the children are suffering from a disability. The UN Committee on the Rights of the Child (Committee) has expressed its concern that traditional attitudes towards children in society may limit the respect for their views, especially within the family and schools, and that children are not systematically heard in court and administrative proceedings in matters that affect them.¹¹²³

1117-Human Rights Council, 'Report of the Special Rapporteur on the Right to Food, Olivier De Schutter Addendum Mission to the Syrian Arab Republic', A/HRC/16/49/Add.2, 27 January 2011 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/104/59/PDF/G1110459.pdf?OpenElement>

1118-Freedom House, 'Women's Rights in the Middle East and North Africa 2010', 3 March 2010, Syria Country Report available at <http://www.freedomhouse.org/template.cfm?page=183>

1119-Human Rights Watch, 'World Report 2011: Events of 2010', 24 January 2011, Syria Chapter available at <http://www.hrw.org/en/world-report-2011/syria>

1120-Committee against Torture, 'Concluding Observations: Syria', 26 April – 14 May 2010, Advanced Unedited Version, <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.SYR.CO1.pdf>

1121-Radio Free Europe / Radio Liberty 'Clinton warns of escalation at Syria-Turkey border', 24 June 2011 <http://www.unhcr.org/refworld/country,,,TUR,,4e0b2e34c,0.html>

1122-BBC News, 'Timeline Syria', 16 July 2011, http://news.bbc.co.uk/2/hi/middle_east/country_profiles/827580.stm

1123-Committee on the Rights of the Child, 'Concluding Observations: Syrian Arab Republic', CRC/C/15/Add.212, 10 July 2003



2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

Syria signed the United Nations (UN) Convention on the Rights of the Child (Convention) on 18 September 1990 and acceded to the Convention on 15 July 1993. Upon ratification, Syria made reservations to the provisions of Article 14 (freedom of thought, conscience and religion), and Articles 20 and 21 (which refer to adoption), with the declaration that these provisions are “incompatible with the precepts of the Islamic *Shariah*, the provisions of the Syrian Personal Status Code, and prevailing Syrian law”.¹¹²⁴ Syria submitted its initial report to the Committee on the Rights of the Child (Committee) in September 1995, its second periodic report in August 2000, and its combined third and fourth report in March 2009.¹¹²⁵

The Committee issued its Concluding Observations on the second periodic report in July 2003.¹¹²⁶ In its review of the second periodic report, the Committee expressed its concern that many of the recommendations made following the review of Syria’s initial report had not been sufficiently addressed, notably, prioritisation of children’s rights in budgetary allocation, the withdrawal of Articles 14, 20 and 21, and ensuring consistency between national legislation and the principles of the Convention. Since the Committee issued its Concluding Observations, Syria has withdrawn its reservations to Articles 20 and 21 by Decree No. 12 of February 2007.¹¹²⁷ Syria has also finalised a Child Rights Bill, which confirms ‘to a large extent’ to the Convention.¹¹²⁸ Progress on implementing the Committee’s recommendation to address non-discrimination, particularly of children born out of wedlock, girls, children with disabilities, children belonging to minority groups, children of Syrian-born Kurdish parents who are stateless and children in the more marginalised rural north and north-east, appears to be limited.

On 17 October 2003, Syria acceded to the Optional Protocol to the Convention on the Involvement of Children in Armed Conflict (OPAC), and on 15 May 2003, it acceded to the Optional Protocol on the Sale of children, Child Prostitution and Child Pornography (OPSC).¹¹²⁹ Syria entered a reservation to provisions in Article 3 of the OPSC which relates to adoption. Syria submitted its initial report on the implementation on the OPSC in August 2005 and its initial report on the OPAC in October 2006. The Committee issued its Concluding Observations on the initial report of the OPSC in October 2006 and on the initial report of the OPAC in October 2007.¹¹³⁰

2.2 Regional and International Human Rights Instruments

Syria has acceded and ratified all the major United Nations conventions concerned with human rights: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (1969), the International Convention on the Elimination of All Forms of Racial Discrimination (1969), the Convention on the Elimination of All Forms of Discrimination Against Women (2003), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2004), and the Convention on the Protection of

1124-United Nations Treaty Collection, ‘Human Rights: Convention on the Rights of the Child’ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

1125-United Nations Treaty Collection, Reporting Status <http://www.unhchr.ch/tbs/doc.nsf/NewhvVAllSPRByCountry?OpenView&Start=1&Count=250&Expand=170.8#170.8>

1126-Committee on the Rights of the Child, ‘Concluding Observations: Syrian Arab Republic’, CRC/C/15/Add.212, 10 July 2003

1127-Committee on the Rights of the Child, ‘Third and fourth periodic reports of States parties due in 2009: Syrian Arab Republic’, CRC/C/SYR/3-4, 2 June 2010

1128-The draft bill is not available online.

1129-Syria issued a declaration upon ratification of the two Optional Protocols that ‘ratification does not imply recognition of Israel and shall not lead to entry into any dealings with Israel in the matters governed by the provisions of the Protocols’.

1130-Committee on the Rights of the Child, ‘Concluding Observations: Syrian Arab Republic’, CRC/C/OPAC/SYR/CO/1, 17 October 2007



Migrant Workers and Members of their Families (2005) and Convention on the Rights of Persons with Disabilities (2009).

Syria has agreed to the 'Cairo Declaration on Human Rights in Islam' issued in 1990 by foreign ministers of countries members of the Organisation of the Islamic Conference (OIC).¹¹³¹ Syria also ratified the (Amended) Arab Charter of Human Rights of the League of Arab States, which entered into force on 15 March 2008.

2.3 Status of the Right to Protection

The Syrian Criminal Code protects minors from sexual abuse by prescribing severe penalties for perpetrators: Article 489 of the Code stipulates 21 years' imprisonment if the victim is under 15 years of age. The Suppression of Prostitution Act No. 10 of 8 March 1961 also protects children from sexual exploitation and trafficking, and the Criminal Code provides that persons who abduct a minor for the purpose of committing an offence against their chastity shall be liable to a penalty of not less than 21 years of hard labour.¹¹³² Articles 479 and 480 of the Criminal Code characterise as offences certain acts perpetrated against children, such as abduction, concealment, substitution of one child for another, affiliating a child to a woman who is not his or her mother, abandoning a child, leaving a child without care and food, or leaving a child on the public highway.¹¹³³

Since the Committee's review of its second periodic report, the Syrian government has implemented a number of legislative measures to better protect children neglect, abuse, violence and exploitation. A National Plan of Action for the protection of children from violence, neglect and abuse, including activities such as setting up a national database to register cases of child abuse, conduct public awareness campaigns, create a child protection programme, and set up a helpline, was approved by the Council of Ministers in October 2005.¹¹³⁴ National committees for the protection of children and women against all forms of violence and exploitation have been formed. Information on the implementation of the National Plan of Action for the Protection of Children however is not widely available, and it is difficult to assess the extent to which children, victims of abuse, or vulnerable to violence, have benefitted, or to assess the effectiveness of the child protection system that has been put in place. It is also difficult to assess the extent to which refugee children will be able to access child protection systems.

The government reports that it has followed up on the Committee's recommendation on improving data collection systems and conducting research on the prevalence of violence by conducting a research among 4,000 children between 15 and 18 years of age, who were questioned about the different forms of violence to which children are subjected, such as physical violence, psychological violence, sexual violence, negligence and neglect.¹¹³⁵ However, study findings were not found at the time of writing of this report.

It is estimated that 40 to 200 honour killing are committed in Syria.¹¹³⁶ In 2009, Syria amended its penal code to require a minimum two-year sentence for so-called 'honour crimes'.

Previously, Article 548 of the Penal Code waived punishment for a man found to have

1131-OIC, 'Cairo Declaration on Human Rights in Islam', 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,3ae6b3822c,0.html>

1132-Committee on the Rights of the Child 'Initial State Party Report on Optional Protocol of the CRC on the Sale of Children, Child Pornography and Child Prostitution: Initial reports of State Parties due in 2005: Syrian Arabic Republic', CRC/C/OPAC/SYR/1, 18 April 2007

1133-Committee on the Rights of the Child, 'Third and fourth periodic reports of States parties due in 2009: Syrian Arab Republic', CRC/C/SYR/3-4 2 June 2010

1134-*Ibid.*

1135-Committee on the Rights of the Child, 'Third and fourth periodic reports of States parties due in 2009: Syrian Arab Republic', CRC/C/SYR/3-4 2 June 2010

1136-Human Rights Watch, 'Syria: No Exceptions for Honor Killings', 28 July 2009, <http://www.hrw.org/en/news/2009/07/28/syria-no-exceptions-honor-killings>



killed a female family member for having ‘shamed’ the family.¹¹³⁷ Despite this legislative reform, at least 10 honour crimes were documented by Syrian women’s rights groups in 2010.¹¹³⁸

In January 2010 the government issued a comprehensive anti-trafficking law, Legislative Decree No. 3, which provides new grounds for prosecuting trafficking and protecting victims, and outlines a minimum punishment of seven years. The Committee Against Torture, in its 2010 Concluding Observations urged the country to “increase its efforts to prevent and combat trafficking of women and children, including by implementing the current laws combating trafficking, providing protection for victims and ensuring their access to medical, social, rehabilitative and legal services, including counselling services, as appropriate”.¹¹³⁹

Nearly 13 per cent of marriages in Syria are child marriages.¹¹⁴⁰ In line with the recommendation of the Committee, the draft Child Right Bill raises the minimum age of marriage to 18 years of age for both girls and boys.¹¹⁴¹ Juvenile Act No.18 only offers protection to children under the age of 15.¹¹⁴²

Modest progress has been made in following up on the Committee’s 2003 recommendations of prohibiting corporal punishment.¹¹⁴³ The draft Child Rights Bill contains a provision prescribing disciplinary sanctions for teachers who are violent towards their pupils, and the Ministry of Education has issued a number of circulars prohibiting the use of physical and verbal violence in schools, with a report cards system instituted to monitor corporal punishment in schools.¹¹⁴⁴ However, there is still no comprehensive ban on corporal punishment in public schools. Corporal punishment within the home and alternative care settings is lawful if it is used ‘within limits’.

As for child labour, following the recommendations of the Committee, Syria increased the minimum age of admission to 15 years. The Labour Law regulates terms and conditions of employment of children above 15 years of age, such as number of working hours, and also punishes employers and minor’s parents who allow work or overlook the recruitment of their children. However, despite legislative reforms, approximately 4 per cent of children aged 5-14 continue to work, without any legal protection.¹¹⁴⁵ Even for those above 15 years of age, the current Labour Law does not extend legal protection to children in the informal sector, including agriculture and family owned enterprises, where child labour, often exploitative, is concentrated. With support from the International Labour Organisation (ILO) and United Nations Children’s Fund (UNICEF), a National Programme on the Elimination of the Worst Forms of Child Labour in Syria was launched at the end of 2010.¹¹⁴⁶

Prolonged displacement and economic vulnerability have exacerbated the protection risks of Iraqi refugee children. There are reports that the scope of gender based violence has widened within

1137-*Ibid.*

1138-Human Rights Watch, ‘World Report 2011: Events of 2010’, 24 January 2011, 2011, Syria Chapter available at <http://www.hrw.org/en/world-report-2011/syria>

1139-Committee against Torture, ‘Concluding observations of the Committee against Torture: Syria’, 26 April – 14 May 2010, Advanced Unedited Version, <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.SYR.CO.1.pdf>

1140-2000-2009 Figures, UNICEF, ‘Syrian Arab Republic: Statistics’ http://www.unicef.org/infobycountry/syria_statistics.html#81

1141-Committee on the Rights of the Child, ‘Third and fourth periodic reports of States parties due in 2009: Syrian Arab Republic’, CRC/C/SYR/3-4 2 June 2010

1142-Committee against Torture, ‘Concluding observations of the Committee against Torture: Syria’, 26 April-14 May 2010, Advanced Unedited Version, <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.SYR.CO.1.pdf>

1143-Committee on the Rights of the Child, ‘Concluding Observations: Syrian Arab Republic’ CRC/C/15/Add.212, 10 July 2003

1144-Committee on the Rights of the Child, ‘Third and fourth periodic reports of States parties due in 2009: Syrian Arab Republic’, CRC/C/SYR/3-4 2 June 2010

1145-UNICEF, ‘Progress for Children: A Report Card on Child Protection Number 8’, September 2009

1146-ILO, ‘Challenges in the Arab World: An ILO response Creating Decent Work Opportunities in the Middle East and North Africa’, 2011



refugee communities, with a rise in reported incidents in Syria, including domestic violence, survival sex and forced marriage.¹¹⁴⁷ There are also reports that children are particularly vulnerable to sexual and commercial exploitation, although no detailed study has been found.

2.4 Status of the Right to Education

Education is free of charge at all stages and compulsory up to the age of 15 year, as stipulated by Article 2 of the Compulsory Education Act of 2002.¹¹⁴⁸ This Act is in line with the Committee's recommendation to increase the age of compulsory education (up from 12). According to Syria's compiled third and fourth periodic report to the Committee, the Ministry of Education has been developing a plan of action to train teachers on how to educate children about their rights and to disseminate information on the Convention.¹¹⁴⁹ Education expenditure as a share of total expenditure has been increasing: between 2000 and 2007, the share of the State's general budget allocated to the Ministry of Education was raised from 10 to 13 per cent.¹¹⁵⁰

In its 2003 Concluding Observations, the Committee expressed its concerns about the disparities in access to educational services between rural and urban areas, with rural north and north-east of the country lagging behind in social indicators.¹¹⁵¹ Syria has implemented a number of programmes to reduce regional disparities in education, for example, instituting 'flexible school years' and setting up mobile schools to enable Bedouin children to better access education, and establishing education programmes for girls who drop out of school.¹¹⁵² To improve the quality of education, the Ministry of Education has adopted, with UNICEF support, Child Friendly Schools approach its national educational strategy.

Although primary school enrolment rates are high – net rates are 92 and 97 per cent for girls and boys respectively¹¹⁵³ – the number of children who drop out of school shows a disturbing trend. Secondary school enrolment rates are 67 and 68 per cent for girls and boys respectively.¹¹⁵⁴ High school drop-out rates have been linked to poverty and economic necessity to find employment, low quality of education and various forms of violence in schools, including ill-treatment and verbal abuse by teachers.¹¹⁵⁵

Access to education of stateless persons and diverge according to their legal status and their ethnicity. Palestinians access both UNRWA, public and private schools – on average, 80 per cent of Palestinian refugees attend UNRWA schools while 20 per cent attend either government or private schools.¹¹⁵⁶ UNRWA operates 119 double-shift schools and offers basic elementary and preparatory education to 65,479 Palestinian refugee children.¹¹⁵⁷ Quality of education is negatively affected by overcrowded classes, which make it difficult for children to concentrate. Many of the schools moreover are dilapidated, with UNRWA officials claiming that over half of premises need to be replaced.¹¹⁵⁸

1147-UN OCHA, 'Regional Response Plan for Iraqi Refugees: 2011', 28 December 2010

1148-Committee on the Rights of the Child, Third and fourth periodic reports of States parties due in 2009, 2 June 2010, Syrian Arab Republic, CRC/C/SYR/3-4

1149-*Ibid.*

1150-*Ibid.*

1151-Committee on the Rights of the Child, 'Concluding Observations: Syrian Arab Republic', CRC/C/15/Add.212, 10 July 2003

1152-Committee on the Rights of the Child, 'Third and fourth periodic reports of States parties due in 2009: Syrian Arab Republic', CRC/C/SYR/3-4, 2 June 2010

1153-2005-2009 figures UNICEF, 'Syrian Arab Republic: Statistics', http://www.unicef.org/infobycountry/syria_statistics.html#81

1154-*Ibid.*

1155-Save the Children UK 'Quality Inclusive Education Programme Plan – Findings of National Research', Internal Document, February 2007

1156-UNICEF, 'UN schools in Syria serve thousands of Palestinian refugees', 2008

1157-Figures as of December 2009, UNRWA, 'UNRWA Syria', <http://www.unrwa.org/etemplate.php?id=55>

1158-Quoted in Save the Children, 'Palestinian Refugee Children', June 2008



Although there are no restrictions preventing Iraqi children from attending schools in Syria, the actual number of Iraqi children in schools is estimated to be low, mainly due to children having to work to support their families, according to a recent study.¹¹⁵⁹ The Syrian Ministry of Education states that despite schools being free for all Iraqi children, a 26 per cent drop in refugee school attendance between 2009 and 2010.¹¹⁶⁰ UN agencies estimate that up to 35 per cent of Iraqi children may be out of school: in addition to economic pressures to work, reasons for drop out (or not enrolling at all) a child's lack of school records, difficulties with the Syrian curriculum, difficulties in coping with an education process in a new country, transportation, legal age restrictions, fear relating to residency status, disabilities and trauma-related reasons for both children and parents.¹¹⁶¹ The 2010 Regional Response for Iraqi Refugees aims to target child workers, with the intention of encouraging an additional 12,000 Iraqi children in Syria into school, bringing the total number to around 45,000.

The government claims that it provides access to services to persons of Kurdish origin from countries such as Iraq and Turkey despite their 'illegal status' ("Although these persons are residing illegally, the Syrian Government has shown concern for the rights of their children to obtain an education in accordance with the terms of the Convention").¹¹⁶² On the other hand, in its report to the Committee on Economic, Social, and Cultural Rights the Syrian Government indicated that in order for children to enrol in primary school proof of the parents' citizenship or legality of stay in Syria is needed.¹¹⁶³ In general, it appears that Syrian government recognises the right of Kurdish children to a primary education, stateless Kurds face difficulty enrolling in secondary schools.¹¹⁶⁴

2.5 Status of the Right to Survival and Development

There have been significant improvements in reducing child and infant mortality rates in Syria. In 2009, under-five mortality was 16 (per 1,000 live births) down from 123 in 1970.¹¹⁶⁵ Under-one mortality was estimated at 14 per cent in 2009, down from 30 in 1990.¹¹⁶⁶ Infant mortality amongst Palestinian refugees was estimated at a higher 28 per cent in 2005.¹¹⁶⁷

UNRWA has a network of 23 primary healthcare centres which offer, among other services, pre-natal care for expectant mothers and their babies.¹¹⁶⁸ In Syria, an Integrated Management of Childhood Illness Strategy was adopted in 2000 in order to reduce the number of deaths caused by common childhood diseases and to help promote children's growth and healthy development. The strategy focuses on exclusive breastfeeding, proper and balanced complementary nutrition, and early detection of disabilities and developmental difficulties.¹¹⁶⁹ Despite this plan, the rate of exclusive breastfeeding until the age of six months is 29 per cent.¹¹⁷⁰

One of the most pressing concerns regarding right to survival and development is the high rate of food insecurity, which has been exacerbated by consecutive years of drought and rising food and fuel prices. The Special Rapporteur on the right of everyone to the enjoyment of

1159-UNDP, 'Arab Human Development Report 2009: Challenges to Human Security in the Arab Countries', 2009

1160-UN in Syria, 'Opening of new school extensions helps new Iraqi refugee children to enroll in the suburbs of Damascus.

2011, <http://www.un.org.sy/forms/spotlight/viewSpotlight.php?id=159&pageLang=en>

1161-IRIN News, 'Next steps for Iraqi refugees', 19 January 2010, <http://www.irinnews.org/Report.aspx?Reportid=87789>

1162-Committee on the Rights of the Child 'Second Periodic Report, Consideration of Reports Submitted by State Parties: Syrian Arab Republic', CRC/C/93/Add.2, 18 October 2002

1163-As reported in Human Rights Council, 'Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Anand Grover', A/HRC/17/25/Add.3, 21 March 2011

1164-UNHCR, 'The situation of stateless persons in the Middle East and North Africa', 2010

1165-UNICEF, 'Syrian Arab Republic: Statistics', http://www.unicef.org/infobycountry/syria_statistics.html#81

1166-*Ibid.*

1167-UNRWA, 'The Annual Report of the Department of Health, 2010', 2011

1168-Figures as of December 2009, UNRWA 'UNRWA: Syria', <http://www.unrwa.org/etemplate.php?id=55>

1169-Committee on the Rights of the Child, 'Third and fourth periodic reports of States parties due in 2009: Syrian Arab Republic, CRC/C/SYR/3-4, 2 June 2010, ,

1170-2005-2009 figures, UNICEF, 'Syrian Arab Republic: Statistics' http://www.unicef.org/infobycountry/syria_statistics.html#81



the highest attainable standard of physical and mental health, reports that child malnutrition is especially acute in rural areas of Al-Hassake, Dayr az Zawr and Al-Raqqa.¹¹⁷¹ 10 per cent of children under five years of age suffer from moderate or severe wasting, while 28 per cent suffering from moderate or severe stunting.¹¹⁷² Those most vulnerable to the diseases caused by malnutrition are children under 3 years of age. Given the severity of drought and its impact on food insecurity, the country is not expected to meet the Millennium Development Goal (MDG) of meeting halving the prevalence of underweight children under 5 years of age by the end of 2010.¹¹⁷³

2.6 Status of the Right to Health

The Constitution of Syria includes provisions relating to the enjoyment of the right to health. Article 46 guarantees health care and the government has an obligation to protect citizens' health and provides them with the means of protection, treatment, and medication.¹¹⁷⁴ Expenditure on health care continues to be relatively low with 3 per cent of the country's economic output being spent on health care in 2008.¹¹⁷⁵

The Ministry of Health states that it provides preventive health services and treatment free of charge to Iraqi refugees.¹¹⁷⁶ However, UNHCR reports that health care has become a major concern among the refugees, as some 20 per cent of the registered Iraqi refugees suffer from chronic illnesses.¹¹⁷⁷ As for Palestinian refugees, UNRWA reports that the Syrian government has recently stopped referring Palestine refugees to hospitals run by the Syrian Ministry of Health, leaving UNRWA as the sole provider of health services for this vulnerable population.¹¹⁷⁸

A significant number of Kurds (*maktumeen*, who have no form of identification at all) face great difficulties in accessing health care, goods and services due to their statelessness, primarily because they lack proper forms of identification or have identification that makes clear their status as stateless, reports the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.¹¹⁷⁹

Syria has made considerable advances in responding to the Committee's recommendations to better promote rights of children living with disabilities, in particular their access to specialised services. The National Plan to Combat Disability, which was adopted in 2008, represents an important step in the process of improving healthcare for children living with disabilities, including through the provision of free rehabilitative and therapeutic services.¹¹⁸⁰ However, no detailed data on access of children living with disabilities to healthcare appears to exist. Another area of concern highlighted by the Committee was access of adolescents to information and services on reproductive and sexual health, including HIV/AIDS.

1171-Human Rights Council, 'Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Anand Grover', A/HRC/17/25/Add.3, 21 March 2011

1172-2003-2009 estimates, UNICEF, 'Syrian Arab Republic: Statistics', http://www.unicef.org/infobycountry/syria_statistics.html#81

1173-Human Rights Council, 'Report of the Special Rapporteur on the right to food, Olivier De Schutter Addendum Mission to the Syrian Arab Republic', A/HRC/16/49/Add.2, 27 January 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/104/59/PDF/G1110459.pdf?OpenElement>

1174-Syrian Arab Republic, Constitution of 1973, Article 46

1175-Human Rights Council, 'Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Anand Grover', A/HRC/17/25/Add.3, 21 March 2011

1176-Committee on the Rights of the Child, 'Third and fourth periodic reports of States parties due in 2009: Syrian Arab Republic', CRC/C/SYR/3-4, 2 June 2010

1177-UNRWA, 'UNRWA: Syria', <http://www.unrwa.org/etemplate.php?id=55>

1178-UNRWA, 'Healthcare in the Field', <http://www.unrwa.org/etemplate.php?id=94#syria>

1179-Human Rights Council, 'Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Anand Grover' A/HRC/17/25/Add.3, 21 March 2011

1180-Committee on the Rights of the Child, 'Third and fourth periodic reports of States parties due in 2009: Syrian Arab Republic', CRC/C/SYR/3-4, 2 June 2010



2.7 Status of Child Right under Emergencies

Syria is not party to the UN 1951 Refugee Convention and its 1967 protocol. Similarly to most Arab countries, it has not put in place domestic refugee or asylum legislation consistent with international standards. The country however largely respects the principle of non-refoulement and is hosting a large number of refugees. However, there are indications that it is tightening its policies: whereas in 2010 most refugees received extensions of their residency until the end of the school year, the start of the 2010-2011 school year has not yet brought the same advantages and refugees continue to receive one to two month renewals of their residency.¹¹⁸¹

As for internally displaced persons (IDPs), it is unclear if there are laws and policies in place in accordance with the United Nations Guiding Principles on Internal Displacement.¹¹⁸² In addition to IDPs from occupied Golan, the Special Rapporteur on the right to food has stated those that have migrated permanently due to drought in the case of Syria, can be considered as IDPs, “with a right to be supported by the State both as they seek to return and, until they return, wherever they may be found”.¹¹⁸³

The government reports that human rights violations of children living in the Golan Heights under Israeli occupation remain a continuous and increasing concern, with severely restricted access of children to health care and education.¹¹⁸⁴ Further research is needed on health and education status of children in the Golan, as well as incidences of exploitative practices. A key protection is the presence of minefields, which pose a threat to the inhabitants of the occupied Syrian Golan. According to United Nations estimates, there are about 2 million mines and 76 minefields in the Golan.¹¹⁸⁵ The Syrian government reports that there have been 531 victims of Israeli landmines in the Golan including 202 fatalities, mostly among children, and 329 persons who suffer from permanent multiple disabilities as a result of injuries.¹¹⁸⁶

The outbreak of civil strife in Syria in March 2011 has created new protection risks for Syria’s children. In the face of increasing reports of displacement and casualties, The Special Representative of the Secretary-General on Violence against Children has urged the Government of Syria to ensure the protection of all children from violence, in accordance with its obligations under the Convention.¹¹⁸⁷ The government has made no commitment to protecting children from unlawful arrest, torture and ill-treatment, and to guarantee children’s right to education and to medical care, including psycho-social programmes.

3. Stakeholder Analysis

3.1 Government Structures

The Syrian Commission for Family Affairs, established by Act No. 42 of 2003, is the key body responsible for monitoring and coordinating efforts to implement the Convention,

1181-UN OCHA, ‘Regional Response Plan for Iraqi Refugees: 2011’, 28 December 2010

1182-US Department of State, ‘2010 Country Reports on Human Rights Practices’, 8 April 2011, Syria Country Report available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154473.htm>

1183-Human Rights Council, ‘Report of the Special Rapporteur on the right to food, Olivier De Schutter Addendum Mission to the Syrian Arab Republic’, A/HRC/16/49/Add.2, 27 January 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/104/59/PDF/G1110459.pdf?OpenElement>

1184-Syrian Commission for Family Affairs and UNICEF ‘Situation Analysis of Childhood Status’, 2008 <http://www.un.org.sy/forms/publications/files/Situation%20Analysis%20of%20Childhood%20Status%20in%20Syria%20FINAL%20%28GREEN%29.pdf>

1185-Human Rights Council, ‘Report of the Special Rapporteur on the Right to Food, Olivier De Schutter Addendum Mission to the Syrian Arab Republic’, A/HRC/16/49/Add.2, 27 January 2011 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/104/59/PDF/G1110459.pdf?OpenElement>

1186-Figures as of 31 December 2009, UNRWA, ‘UNRWA: Syria’, <http://www.unrwa.org/etemplate.php?id=55>

1187-Special Representative of the Secretary-General on Violence against Children, Statement ‘SRSG Santos Pais calls upon Syria to protect children from violence’, 3 June 2011

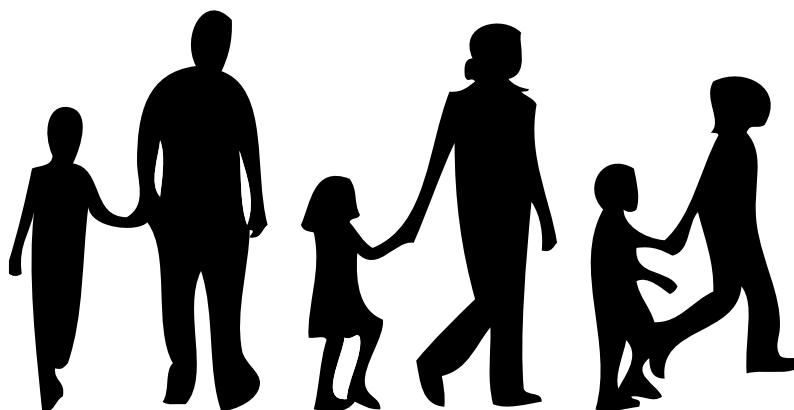


including the preparation of periodic reports submitted to the Committee.¹¹⁸⁸ The National Committee for International Humanitarian Law was formed by Prime Ministerial Decree No. 2896 of 2 June 2004, is tasked with overseeing and coordinating national action to raise awareness of international humanitarian law, harmonising national legislation with the international treaties ratified by the Syrian Arab Republic and monitoring human rights violations.

3.2 Civil Society

Syrian society has a long tradition of philanthropy with voluntary groups emerging in response to felt needs at community and village.¹¹⁸⁹ Civil society organisations (CSO) in Syria include charities, religious organisations, cultural and social associations, development organisations and trade unions. The number of CSOs has been on the rise: from an estimated 450 in 2000 to more than 1,200 in 2007.¹¹⁹⁰ CSOs working on child rights focus on service delivery, targeting in particular children living with disabilities and children living in disadvantaged rural areas.¹¹⁹¹

Many of the organisations are welfare-oriented and in general there are very few organisations in Syria that conduct advocacy and lobbying work on policy formulation and enforcement. A 2006 assessment of non-governmental organisations (NGOs) in Syria noted that most need to improve their internal government, strategic and operational planning and to employ more rights-based and participatory approaches with communities particularly with children.¹¹⁹² In general, the legislative environment does not favour truly independent rights-based organisation and there are severe restrictions in the formation, operation and financing of NGOs. For example, the Ministry of Social Development and Labour is reportedly authorised to appoint members to the Board of Directors of any association.¹¹⁹³ International organisations operating in Syria are limited and include Save the Children, Danish Red Cross, Première Urgence, and Terre des Hommes.



1188-Committee on the Rights of the Child, 'Third and fourth periodic reports of States parties due in 2009: Syrian Arab Republic', CRC/C/SYR/3-4, 2 June 2010

1189-Syrian Commission for Family Affairs and UNICEF 'Situation Analysis of Childhood Status, 2008 <http://www.un.org.sy/forms/publications/files/Situation%20Analysis%20of%20Childhood%20Status%20in%20Syria%20FINAL%20%28GREEN%29.pdf>

1190-Committee on the Rights of the Child, Third and fourth periodic reports of States parties due in 2009, 2 June 2010, Syrian Arab Republic, CRC/C/SYR/3-4

1191-CSOs delivering services to children with disabilities include Al Ahlam Association for the Deaf and Mute, Al-Ihsan Charitable Association for the Blind in Aleppo, Association for Persons with Special Needs, which serves children with physical disabilities attending the Aleppo Vocational Rehabilitation Institute for Persons with Disabilities, Al-Nur wa-l-Zuhur Association for Children with Cerebral Palsy, Bina Association for the Blind, Amal Society for Persons with Disabilities, Committee on the Rights of the Child, 'Third and fourth periodic reports of States parties due in 2009: Syrian Arab Republic', CRC/C/SYR/3-4, 2 June 2010

1192-Cited in Syrian Commission for Family Affairs and UNICEF 'Situation Analysis of Childhood Status', 2008

1193-International Centre for Not-for-Law, 'Global Trends in NGO Law' A quarterly review of NGO legal trends around the world, Volume 1, Issue 4, March 2010





Tunisia Country Profile

1. Country Overview

1.1 Demographic Profile

The Republic of Tunisia, a Maghreb country bordered by Algeria to the west, Libya to the southeast, and the Mediterranean Sea to the north, has an estimated population of nearly 10.3 million; an estimated 3 million persons are below the age of 18 and 788,000 below the age of 5.¹¹⁹⁴ Tunisia's Amazigh population reportedly makes up 1 per cent of the total population; however given the absence of statistical data on ethnic composition of Tunisian society¹¹⁹⁵, the actual share of the Amazigh population may be higher.

Since the outbreak of popular uprising in early 2011 in neighbouring Libya, which was met by a violent government crackdown, hundreds of thousands of refugees have arrived to Tunisia. As of June 2011, nearly 100,000 third country nationals had been evacuated from Tunisia with support from United Nations Refugee Agency (UNHCR),¹¹⁹⁶ and up to 50,000 Libyan refugees – out of which 30 per cent are children – are being hosted either in camps or local communities.¹¹⁹⁷

1.2 Socio-economic Developments

Since gaining independence in 1956, Tunisia has registered steady growth, with poverty rate declining from 40 to 3.8 per cent during the period 1970-2006.¹¹⁹⁸ By 2010, per capita income had grown to \$4,070.¹¹⁹⁹ However, growth and poverty statistics have masked the real livelihoods difficulties faced by a growing share of population, especially for the young unemployed. Growth has been geographically concentrated, and has been underlined by lack of transparency, cronyism, corruption, and anti-competitive practices.¹²⁰⁰ Unemployment rate reached 13 per cent in 2010.¹²⁰¹ Youth unemployment is above national average, with one out of three young unemployed.¹²⁰²

1.3 Political Developments and Human Rights Record

Tunisia, a constitutionally based republic with a presidential system dominated by a single political party, was governed by the authoritarian regime of President Zin El Abidine Ben Ali from 1987 to 2011. Despite a National Constitutional that enshrines human rights, and important strides made on women's rights, the Ben Ali regime was notable for its poor human rights record and lack of social accountability. Human Rights Watch confirms that for decades, the government has used the threat of religious extremism to crack down on political dissent, with continuous reports of ill-treatment and torture of suspects, refusing to grant legal recognition to independent human rights organisations, and consistently blocking websites and newspapers from featuring critical coverage of Tunisia.¹²⁰³

In January 2011, Tunisia experienced a wave of protests, fuelled by rising frustrations of young population over lack of socio-economic opportunities and authoritarianism of the regime. The protests, which sparked similar protests across the Arab world, in what has come to be known as the Arab Spring, led to the toppling of the regime of Ben Ali, who fled the country. An interim

1194-2009 figures, UNICEF 'Tunisia Statistics', http://www.unicef.org/infobycountry/Tunisia_statistics.html

1195-Committee on the Elimination of Racial Discrimination, 'Concluding Observations: Tunisia', CERD/C/TUN/CO/19, 23 March 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/412/55/PDF/G0941255.pdf?OpenElement>

1196-UNHCR 'Humanitarian Situation in Libya and the Neighbouring Countries', Update no 28, 10 June 2011

1197-UN OCHA, 'Regional Flash Appeal for the Libyan Crisis', 18 May 2011 <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbmxcwcm90ZWNoaW9uY2x1c3RlcmlxpYnlhfGd4OjYwOTljZDg1NjFiZTFiYzZM>

1198-World Bank, 'Country Brief: Tunisia', April 2008, available at World Bank website, www.worldbank.org

1199-2010 estimates, Gross National Income per capita, Atlas method (current US\$) World Bank, 'Tunisia: Data', <http://data.worldbank.org/country/tunisia>

1200-World Bank, 'Tunisia Governance and Opportunity DPL Programme Information Document', 29 April 2011

1201-*Ibid.*

1202-2005 estimates, World Bank, 'Tunisia: Data', <http://data.worldbank.org/country/tunisia>

1203-Human Rights Watch 'World Report 2008: Events of 2007', 30 January 2008, Tunisia Chapter available at: www.hrw.org/englishwr2k8/docs/2008/01/31/tunisi17621.htm



government is now tasked with organising elections to a Constitutional Assembly, scheduled for July 2011.

1.4 Society and Culture in regards to Children

The International Bureau on Children's Rights (IBCR) reports that "the position of children in Tunisia has changed as fertility rates have fallen...Cases of "overprotection; are reported to be more common, as children become precious 'belongings' for families who want to ensure that the child has the best childhood possible". However, the right to participation remains weak, and while "children may be precious but they continue to be subordinate to adults".¹²⁰⁴ Children vulnerable to discrimination and social stigmatisation include children born out of wedlock.¹²⁰⁵

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

The United Nations (UN) Convention on the Rights of the Child (Convention) was signed by Tunisia signed on 26 February 1990, and ratified on 30 January 1992. Upon ratification, Tunisia made a number of declarations and reservations In March 2002, the Government of Tunisia informed the Secretary General that it had decided to withdraw the declaration ("its undertaking to implement the provisions of this Convention shall be limited by the means at its disposal") and the reservation to Article 40 paragraph (b) (v). In September 2008, it withdrew the following declaration "declares that it shall not, in implementation of this Convention, adopt any legislative or statutory decision that conflicts with the Tunisian Constitution", and the reservation to Article 2 (relating to personal status particularly in relation to marriage and inheritance rights), and Article 7 (relating to nationality).¹²⁰⁶ The Government has still not withdrawn its interpretive declaration to Article 6 ("shall not be interpreted in such a way as to impede the application of Tunisian legislation concerning voluntary termination of pregnancy".)

The initial report to the Committee of the Rights of the Child (Committee) was submitted in May 1994, its second periodic report in March 1999, and its third in June 2008. The fourth, fifth, and sixth compiled report is due in August 2017.¹²⁰⁷ Child Helpline International submitted an alternative report to Tunisia's third periodic report, calling for the government to provide a free, 24 hour hotline catering primarily to children.¹²⁰⁸ The Committee issued its Concluding Observations on the third periodic report on the implementation of the Convention in June 2010.

In its 2010 Concluding Observations, the Committee welcomed the withdrawal by Tunisia of its declarations and reservations, and legislative measures to promote child rights in particular the adoption of Act No. 2007-32 of May 2007 equalising the minimum age for marriage at 18 for boys and girls; Act No. 2005-32 of April 2005 setting the age of admission of children to domestic employment at 16 years instead of 14 years; Act No. 2005-83 of August 2005 aimed at achieving equal opportunities for persons with disabilities, particularly with regard to access to education, vocational training and employment, and at protecting them from all forms of discrimination. However, the Committee expressed its regress that not all the recommendations from concluding observations of the second report had been addressed, particularly those related to civil and political rights (right to freedom of expressions and peaceful assembly, freedom of thought, conscience and religion, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment) and protection of children from abuse and exploitation (including prohibition

¹²⁰⁴-International Bureau for Children's Rights 'Making Children's Rights Work in North Africa', August 2007

¹²⁰⁵-Committee on Elimination of Discrimination against Women, 'Concluding Observations: Tunisia', CEDAW/C/TUN/CO/6, 22 October 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-TUN-CO-6.pdf>

¹²⁰⁶-United Nations Treaty Collection, 'Human Rights: Convention on the Rights of the Child' http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

¹²⁰⁷-United Nations Human Rights Commissioner <http://www.unhcr.ch/tbs/doc.nsf/NewhvVAllSPRByCountry?OpenView&Start=1&Count=250&Expand=178.7#178.7>

¹²⁰⁸-Child Helpline International, '54th Session – Tunisian Republic Recommendations made under the Convention on the Rights of the Child', December 2009, <http://www.crin.org/resources/infodetail.asp?id=21781>



of corporal punishment, data collection on child abuse and neglect, and economic and sexual exploitation of children).

Tunisia ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 13 September 2002, and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict (OPAC) on 2 January 2003.¹²⁰⁹ Tunisia has submitted only report on each of the Optional Protocols: OPSC in October 2004 and OPAC in August 2007.

2.2 Regional and International Human Rights Instruments

Tunisia has acceded to or ratified major United Nations conventions concerned with human rights, namely: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (1969), the International Convention on the Elimination of All Forms of Racial Discrimination (1967), the Convention on the Elimination of All Forms of Discrimination Against Women (1985), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1988) and Convention on the Rights of Persons with Disabilities (2008).

Tunisia has agreed to the ‘Cairo Declaration on Human Rights in Islam’ issued in 1990 by foreign ministers of countries members of the Organisation of the Islamic Conference (OIC), a guiding document that does not require ratification.¹²¹⁰ Tunisia also signed the (Amended) Arab Charter of Human Rights prepared by the Arab Summit in Tunisia in May 2004, but did not ratify. In March 1983, Tunisia ratified the African Union (AU) African Charter on Human and Peoples’ Rights.¹²¹¹ It also signed in June 1995 – but has not ratified the African Charter on Charter on the Rights and Welfare of the Child, the most important instrument for children’s rights within the AU human rights system.¹²¹²

The UN Human Rights Council Universal Periodic Review (UPR) of Tunisia was held at a meeting on 8 April 2008, a number of Working Group delegations noted with appreciation efforts made by Tunisia in ensuring rights of children, and enquired about additional measures with respect to the right of the child.¹²¹³ However, no child-centred recommendations were made to Tunisia, and hence none were accepted, rejected or pending.¹²¹⁴

2.3 Status of the Right to Protection

The Child Protection Code (Law n. 95-92) was adopted in 1995 entered into force on 11 January 2006. The Code guarantees the right to survival, development and protection of the child, and defines the following situations as putting a children in danger and in need of protection (a) Loss of parents, so that he or she remains without family support; (b) Exposure of a child to negligence and to vagrancy; (c) Continuous and well-established lack of education and protection; (d) Habitual ill-treatment of the child; (e) Sexual exploitation of the girl or boy child; (f) Exploitation of the child in organised crime; (g) Exposure of

1209-United Nations Treaty Collection, ‘Human Rights: Convention on the Rights of the Child’ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

1210-OIC, ‘Cairo Declaration on Human Rights in Islam’, 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,3ae6b3822c,0.html>

1211-African Union, ‘List of Countries that have ratified/acceded to the African Union Convention on African Charter on Human and Peoples Rights’, undated, http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/List/African%20Charter%20on%20Human%20and%20Peoples%20Rights.pdf

1212-Organisation of African Unity ‘African Charter on the Rights and Welfare of the Child’, OAU Doc. CAB/LEG/24.9/49, 1990, http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/a.%20C.%20ON%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf

1213-Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review: Tunisia’, A/HRC/8/21, 22 May 2008

1214-A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review is available on <http://www.crin.org/resources/infoDetail.asp?ID=17026#nn>



the child to begging and economic exploitation of the child.¹²¹⁵ Article 2 of Law No. 83 (2005) provides for the protection of persons with disabilities from economic and sexual exploitation, displacement, neglect and abandonment.¹²¹⁶

Following the entry into force of the Child Protection Code, a comprehensive child protection mechanism has been put in place, including the appointment of Child Protection Officers, able to intervene on behalf of children in danger. The Code also led to reorganisation of juvenile courts by having Children's Judges responsible for cases relating to children, as well as including mediation as a reconciliation mechanisms. In its 2010 Concluding Observations, the Committee welcomed the move of Tunisia to adopt the 2009-2012 National Plan of Action to combat violence against children and to establish an information system on children in danger. To ensure effective protection, the Committee also urged Tunisia to increase psychological and physical support services to children victims of violence, and to strengthen the child protection mechanisms for prevention, identification, reporting, referral, investigation, treatment, social reintegration and follow-up. In April 2011, the Committee on the Rights of Persons with Disabilities also urged Tunisia to ensure that the national strategy for prevention of violence includes girls with disabilities, and to promote educational programmes on the greater vulnerability of girls with disabilities to violence and abuse.¹²¹⁷

Since the 2010 Concluding Observations of the Committee, Tunisia has made significant legislative progress in the protection of children from corporal punishment. Corporal punishment is now unlawful in homes and alternative care settings, schools, and the penal system. Article 319 of the Penal Code was amended in July 2010 (Law No. 2010-40 of 26 July 2010) to make it a criminal offence to assault a child.¹²¹⁸ Corporal punishment is also unlawful as a sentence for crime, and is unlawful as a disciplinary measure in penal institutions. Tunisia is now one of the 29 countries in the world with full prohibition in legislation.¹²¹⁹ The effective enforcement of these legislative and executive measures is necessary to address the widespread prevalence of violence and abuse of children. A 2006 Multiple Indicators Cluster Survey indicated that 94 per cent of children in the age group 2-14 years old were victims of verbal, physical or psychological violence within their family circle.¹²²⁰

Tunisia is a transit country for North and sub-Saharan African men and women migrating to Europe, some of whom may be trafficked for the purpose of involuntary servitude or sexual exploitation. Tunisia may also be a source country for internal trafficking of children for commercial sexual exploitation.¹²²¹ Article 226 of the Criminal Code penalises various forms of human trafficking, especially trafficking for the purposes of sexual exploitation.¹²²² In its 2010 Concluding Observations, the Committee on the Elimination of Discrimination

1215-Committee on the Rights of the Child, 'Periodic Report of State Parties due in 1999: Tunisia', CRC/C/83/Add.1, 30 October 2001

1216-Committee on the Rights of Persons with Disabilities, 'Initial report submitted by States parties under article 35 of the Covenant: Tunisia', CRPD/C/TUN/1, 14 July 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/437/06/PDF/G1043706.pdf?OpenElement>

1217-Committee on the Rights of Persons with Disabilities, 'Concluding Observations: Tunisia', CRPD/C/TUN/CO/1, Advanced Unedited Version 29 April 2011

1218-Prior to law reform in 2010, it also stated that "correction of a child by persons in authority over him is not punishable" Global Initiative to End All Corporal Punishment against Children website <http://www.endcorporalpunishment.org/pages/progress/reports/tunisia.html>

1219-Global Initiative to End all Corporal Punishment of Children and Save the Children Sweden, 'Ending Legalised Violence against Children: Global Report 2010', 2010

1220-Study cited in Committee on the Rights of Child, 'Concluding Observations: Tunisia', CRC/C/TUN/CO/3, Fifty-fourth session 25 May – 11 June 2010, Unedited Version

1221-US State Department, 'Trafficking in Persons Report: Human Trafficking & Modern-day Slavery, Republic of Tunisia', June 2007

1222-Committee on the Rights of the Child, 'Summary record of the 1531st (Chamber B) meeting Held at the Palais Wilson, Geneva, on Friday, 4 June 2010, at 3 p.m.', CRC/C/SR.1531 13 January 2011



against Women noted with appreciation Tunisia's initiative to draft a new law on human trafficking and to prepare a national plan of action. However, the Committee expressed its concerns on the lack of information available on the prevalence of trafficking, and lack of clear understanding of the concept of trafficking in human beings.¹²²³

Tunisia has ratified the International Labour Organisation (ILO) Convention 138 pertaining to the minimum age for admission to employment and prohibiting the economic exploitation of children. As well as the provisions contained in the Labour Code governing child labour, law n° 2005-32 of 4th April 2005, an amendment to Law n° 65-25 of 1st July 1965 was introduced to strengthen the rights of the child by proclaiming that 'employment of children under 16 as domestic servants is prohibited.'¹²²⁴ Citing a 2008 survey that indicated that 17.5 per cent of domestic workers are between 12 to 17 years old, in its 2010 Concluding Observations, the Committee on the Elimination of Discrimination against Women strongly recommended Tunisia to increase the number of labour inspectorates to ensure that under-age children are not exploited and that adequate working and living conditions are provided.¹²²⁵

The recommendations of the Committee on children born out of wedlock remain pending. In its 2010 Concluding Observations, the Committee welcomed efforts made to address discrimination against children born out of wedlock, particularly through Act no 51 of July 2003 granting a patronymic family name to children of unknown parentage or abandoned children. The law however does not clearly provide for the rights of adopted children and children born out of wedlock to succession or inheritance.¹²²⁶

Protection from torture and ill-treatment remains an area of concern, despite repeated recommendations by the Committee to protect children from torture or other cruel, inhuman or degrading treatment or punishment and to bring to justice the alleged perpetrators of such crimes. In its 2010 Concluding Observations, the Committee strongly recommended the State party to review its legislation in order to ensure that infliction of torture or cruel, inhuman or degrading treatment or punishment upon children is considered as an aggravating factor and that penalties are commensurate with the gravity of the crime. In addition, while welcoming the significant advances made in relation to the administration of juvenile justice, the Committee issued a series of recommendations in its Concluding Observations, including ensuring that the penal code does not criminalise any status offence so as to prevent further stigmatisation, victimisation and criminalisation of young persons, formulating and adopting a more precise definition of terrorist acts and ensure that persons under 18 years are not held accountable, detained or prosecuted under antiterrorism, ensuring that deprivation of liberty is always used as last resort and expanding possibilities for alternative sentences such as probation and community service.¹²²⁷

2.4 Status of the Right to Education

The right to education is guaranteed by Law n° 91-65 of 29th July 1991 which stipulates that "the State guarantees the right to free education to all those of school age."¹²²⁸ Article 4 of the orientation law n° 2002-80 of 23rd July 2002 also stipulates that "the State guarantees the right to

1223-Committee on Elimination of Discrimination against Women, 'Concluding Observations: Tunisia', CEDAW/C/TUN/CO/6, 22 October 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-TUN-CO-6.pdf>

1224- Tunisia 'Consolidated Periodic Report of Tunisia under the terms of Article 62 of the African Charter on Human and People's Rights 1995-2006, undated, http://www.achpr.org/english/state_reports/Periodic%20Report_Tunisia.pdf

1225-Study cited in Committee on Elimination of Discrimination against Women, 'Concluding Observations: Tunisia', CEDAW/C/TUN/CO/6, 22 October 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-TUN-CO-6.pdf>

1226-Committee on the Rights of Child, 'Concluding Observations: Tunisia', CRC/C/TUN/CO/3, Fifty-fourth session, 25 May – 11 June 2010, Unedited Version

1227-Committee on the Rights of Child, 'Concluding Observations: Tunisia', CRC/C/TUN/CO/3, Fifty-fourth session, 25 May – 11 June 2010, Unedited Version

1228-4th-9th consolidated State Party report to the African Commission



free education in public education institutions for all those of school age and equal opportunities in the enjoyment of this right for all pupils, provided they are capable of legally pursuing their studies.” To guarantee pre-school education for all children, the law institutes a “preparatory year for children aged from 5 to 6 years” (Article 17) and gives the State the responsibility for pre-school education. 16 per cent of the state budget is allocated to education.¹²²⁹ Schooling up until the age of 16 is compulsory. Article 21 of this law stipulates that “the guardian who fails to register his child at one of the institutions for basic education or withdraws the child before the age of 16 is liable to a fine of up to 400 Dinars.

The right of refugee children to education is guaranteed in public schools, on condition that relevant school documents issued in the country of origin are submitted.¹²³⁰ The right of children living with disabilities to access education is enshrined in Act No. 2005-83 of August 2005, which aims at achieving equal opportunities for persons with disabilities.¹²³¹ An estimated 18,000 children under the age of 14 are living with disabilities¹²³² Under a national strategy aimed at full or partial integration of disabled children in schools by 2015, 600 children every year are to be integrated in 120 primary schools with appropriate medical, pedagogical and social back-up.¹²³³

Primary education indicators are high for boys and girls – the country has one of the highest rates in the Middle East and North Africa region (97 per cent for boys and 98 per cent for girls). However, secondary school net enrolment rates, while increasing, are relatively low at 76 per cent for girls and 67 for boys.¹²³⁴ The challenges to the educational system however remain drop-out and repetition rates in both the first and second cycles of basic education, persist regional disparities in quality of education, and exclusion of poor and rural children from early childhood education. In addition, while there have been commendable efforts to implement a policy of inclusive education, the Committee on the Rights of People with Disabilities notes that in practice inclusion strategy is not equally implemented in schools, and that many integrated schools are not equipped or trained to receive children living with disabilities.¹²³⁵

2.5 Status of the Right to Survival and Development

Infant and child health have been priority areas of Tunisia, as reflected in its primary health care policies and its national strategy for integrated care for mother and child. Between 1990 and 2009, under-5 mortality rate dropped from 50 (per 1,000 live births) to 21, while under-1 mortality rate dropped from 40 to 18.¹²³⁶

In its 2002 Concluding Observations, the Committee expressed concerns regarding regional disparities in relation to access and quality of health services, with infant mortality rate in rural areas twice as high as the national rate. In 2010, the Committee welcomed the strategy developed by the Tunisian Ministry of Public Health to targeted disadvantaged rural areas; however it remained concerned that health inequality persisted in rural areas. The Committee also further concerned that exclusive breastfeeding prevalence fell significantly between 2000 (48 per cent) and 2006 (6 per cent).¹²³⁷

1229-Committee on the Right of the Child, ‘Third periodic report of the States Parties due in 2004: Tunisia’, CRC/C/TUN/3, 10 November 2008

1230-A. Hauzar, E. Eidarous and A. Al Kassir for Save the Children UK ‘Regional Scoping Exercise’, 2007

1231-Committee on the Rights of Child, ‘Concluding Observations: Tunisia’, CRC/C/TUN/CO/3, Fifty-fourth session 25 May – 11 June 2010, Unedited Version

1232-Committee on the Rights of Persons with Disabilities, ‘Initial report submitted by States parties under article 35 of the Covenant’, CRPD/C/TUN/1, 14 July 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/437/06/PDF/G1043706.pdf?OpenElement>

1233-Committee on the Right of the Child, ‘Third periodic report of the States Parties due in 2004 Tunisia’, CRC/C/TUN/3, 10 November 2008

1234-2005-2009 net average, UNICEF, ‘Tunisia Statistics’ http://www.unicef.org/infobycountry/Tunisia_statistics.html

1235-Committee on the Rights of Persons with Disabilities, ‘Concluding Observations: Tunisia’, CRPD/C/TUN/CO/1, Advanced Unedited Version, 29 April 2011

1236-UNICEF, ‘Tunisia Statistics’ http://www.unicef.org/infobycountry/Tunisia_statistics.html

1237-Committee on the Rights of Child, ‘Concluding Observations: Tunisia’, CRC/C/TUN/CO/3, Fifty-fourth session, 25 May



2.6 Status of the Right to Health

Article 1 of the Law n° 91-63 of 29th July 1991 guarantees the right to health, considered by the government as a fundamental right of the human being.¹²³⁸

In 2009, total government expenditure on health amounted to a high 6.2 per cent of Gross National Product (GDP).¹²³⁹ In its 2010 Concluding Observations, the Committee welcomed initiatives aiming to promote adolescent health, namely the development of an information and education strategy to increase adolescent awareness of mental health, reproductive health and risk behaviours.¹²⁴⁰ However, the Committee recommended that more needs to be done on substance abuse, as according to the Global Youth Tobacco Survey (2007), almost one fourth of adolescents between the ages of 13 and 15 have already smoked a cigarette. It also recommended Tunisia to develop child-friendly and gender sensitive health services and counselling targeting in particular adolescents who are out of school and those living in rural or remote areas.

2.7 Status of Child Rights under Emergencies

The only natural disaster that the country is vulnerable to is flooding, although this rarely has a wide impact. The National Report on Disaster Reduction does not specifically refer to children.¹²⁴¹ The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The government cooperated with the office of the UNHCR and other humanitarian organisations in assisting refugees and asylum seekers, but the government has not established a system for providing protection to refugees or foreign nationals who may not qualify as refugees under the 1951 Convention and 1967 protocol, but who still need some form of international protection. In practice, the government did not provide protection against *refoulement*, the return of persons to a country where they feared persecution.¹²⁴² No further information was found on the status of the right to protection and education under emergencies.

3. Stakeholder Analysis

3.1 Government Structures

The National Council for Children was converted into the Higher Council for Children by Decree No. 2002-574 of 12 March 2002. The Ministry for Women, Children and Family Affairs is responsible for implementing the decisions and recommendations of the High Council for Children and for coordinating actions and programmes with other Ministries whose remit includes children. The role of the State Secretary at the Ministry of Women, Children and Family Affairs is responsible for monitoring the steps taken by the General Directorate for Children, which includes the Directorate for the Rights of the Child and Child Protection, the Directorate for Socio-Educational Activities, and since 2002, the Children's Rights Officer and the Information, Training, Documentation and Studies Observatory on the Protection of the Rights of the Child.¹²⁴³

In 2010, the Committee welcomed steps taken to improve the effectiveness of the High Council for Children as a mechanism for coordination. Coordination however between

– 11 June 2010, Unedited Version

12380-Tunisia, 'Consolidated Periodic Report of Tunisia under the terms of Article 62 of the African Charter on Human and People's Rights 1995-2006', undated, http://www.achpr.org/english/state_reports/Periodic%20Report_Tunisia.pdf

1239-WHO, 'Tunisia', <http://www.who.int/countries/tun/en/>

1240-Committee on the Rights of Child 'Concluding observations: Tunisia', CRC/C/TUN/CO/3, Fifty-fourth session, 25 May – 11 June 2010, Unedited Version

1241-For more information see International Strategy for Disaster Reduction, <http://www.unisdr.org/eng/country-inform/tunisia-disaster.htm>

1242- US State Department, 'Tunisia – 2005 Country Reports on Human Rights Practices', March 8, 2006

1243-Committee on the Right of the Child, 'Third periodic report of the States Parties due in 2004 Tunisia', CRC/C/TUN/3, 10 November 2008



the various institutions working on child protection at the local and national levels needs to be strengthened.¹²⁴⁴ Pursuant to Act No. 2000-41 of 17 April 2000 amending the Child Protection Code, a Children's Parliament was set up to provide children with the opportunity to meet in a place for dialogue allowing them to express their views on matters related to their rights, to become accustomed to exercising responsibility, to developing public spiritedness'.¹²⁴⁵ A thorough and participatory evaluation of the Children's Parliament is yet to be conducted.

3.2 Civil Society

The number of civil society organisations (CSOs), such as women's organisations and artistic and cultural associations, expanded rapidly in the 1980s. There are now over 7,000 CSOs registered in the country. Civil society organisations include business associations, professional associations, trade unions, research centres, women's organisations, environmental groups and charitable associations, many of which deal with children's issues. A number of CSOs work specifically on childhood development, for example the Tunisian Child Rights Association, however, the extent to which they can act independently to advocate effectively is questionable, given the restrictive regulatory environment.

Prior to the regime change human rights organisations and activists were often harassed and intimidated and unable to freely to conduct their activities or exercise the right to peaceful assembly.¹²⁴⁶ CSOs are not able to fully participate in policy formulation, planning and budget monitoring of government programmes, including child rights programmes.¹²⁴⁷ In 2010, the Committee also expressed concerns over reports of harassment, persecution, arbitrary arrest and detention, and other human rights violations against human rights defenders, and restrictions placed on the activities of some CSOs. It further recommended that organisations, including children's organisations, be systematically involved throughout all stages of implementation of the Convention.



1244-Committee on the Rights of Child, 'Concluding Observations: Tunisia', CRC/C/TUN/CO/3, Fifty-fourth session 25 May – 11 June 2010 , Unedited Version

1245-Committee on the Right of the Child, 'Third periodic report of the States Parties due in 2004 Tunisia' CRC/C/TUN/3, 10 November 2008

1246-Human Rights Committee, 'Concluding observations of the Human Rights Committee Tunisia', CCPR/C/TUN/CO/5, 23 April 2008

1247-Committee on the Rights of Child 'Concluding Observations: Tunisia', CRC/C/TUN/CO/3, Fifty-fourth session 25 May – 11 June 2010 , Unedited Version





United Arab Emirates Country Profile

1. Country Overview

1.1 Demographic Profile

The United Arab Emirates (UAE), a federation of seven semi-autonomous emirates,¹²⁴⁸ is situated in the southeast of the Arabian Peninsula, bordering Oman and Saudi Arabia. The total population of the country stands at 4.6 million, out of which 1 million are under the age of 18 and 307,000 under the age of 5.¹²⁴⁹ Nearly 72 per cent of the population are composed of international migrants¹²⁵⁰, mainly from the Indian subcontinent and Arab region; 27 per cent of the migrant population are female.¹²⁵¹ The UAE is therefore unique in that non-nationals constitute the vast majority of the population.

Estimates on the number of stateless persons (Bidoon, who are either without citizenship or any proof of citizenship from any country) vary from 20,000 to 100,000 persons.¹²⁵² Naturalisation process started in 2007 for Bidoon, who have traditionally faced heavy discrimination in the labour market and have had limited access to medical care and education.¹²⁵³

1.2 Socio-Economic Developments

Substantial oil revenues, massive construction boom and a thriving financial and services sector fuelled rapid economic growth and social development, with per capita averaging \$26,360.¹²⁵⁴ The UAE is now considered a very high human development country, ranking 32 out of 169 countries with comparable Human Development Index (HDI) data.¹²⁵⁵ High government spending on social sectors has also contributed to high development indicators: in 2010, 41 per cent of spending was allocated to education, health care, and social affair such a financial assistance for low-income families.¹²⁵⁶ Although the global financial crisis of 2007/2008 brought an end to a decade of high growth, the country's recovery is gaining strength, with economic output projected to grow at over 3 per cent in 2011.¹²⁵⁷ The country however still faces numerous challenges, including rising unemployment rates, with more than 40,000 nationals out of work.¹²⁵⁸

1.3 Political Developments and Human Rights Record

While economic reforms have been progressing, civil society continues to stagnate and human rights progress has been slow, with authorities exerting pressure on a wide range of human rights defenders and activists.¹²⁵⁹ According to Human Rights Watch, human rights record of UAE worsened in 2010, particularly for migrant workers, and that torture, restrictions

1248-Abu Dhabi, Ajman, Dubai, Fujairah, Ras al-Khaimah, Sharjah, and Umm al-Qaiwain

1249-UNICEF, United Arab Emirates, http://www.unicef.org/infobycountry/uae_statistics.html

1250-2010 estimate, United Nations Population Division, 'International Migrant Stock: 2008 Revision' <http://esa.un.org/migration/p2k0data.asp>

1251-*Ibid.*

1252-The 20,000 estimate is from US State Department '2006 United Arab Emirates - Country Reports on Human Rights Practices', 6 March 2007, the 100,000 estimate is from Refugees International, 'Refugee Voices: Stateless Bidoon', 2 July 2005

1253-Human Rights Council, 'Summary Prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15 (C) of The Annex to Human Rights Council Resolution 5/1 United Arab Emirates', A/HRC/WG.6/3/ARE/3, 16 September 2008

1254-2004 estimates, Gross National Income per capita, Atlas method (current US\$), World Bank, 'UAE Data'

1255-UNDP, 'International Human Development Indicators', <http://hdr.undp.org/en/statistics/>

1256-Gulf News, 'Education gets priority in 2010 plan for UAE', 27 October 2009

<http://gulfnews.com/business/economy/education-gets-priority-in-2010-plan-for-uae-1.519615>

1257-IMF, 'United Arab Emirates—2011 Article IV Consultation Concluding Statement', 7 March 2011 <http://www.imf.org/external/np/ms/2011/030711.htm>

1258-Arabian Business.com, 'UAE unemployment among locals at highest level', 18 June 2009 <http://www.arabianbusiness.com/uae-unemployment-among-locals-at-highest-level-17032.html>

1259-Human Rights Watch 'United Arab Emirates (UAE): Events of 2007', 2008.



on freedoms of expression and association, and violations of women's rights continue to be pressing issues.¹²⁶⁰

1.4 Society and Culture in regards to Children

Children are valued in traditional Emirati society, with the national culture based on extended family structure. However, there are grounds to be concerned that child rearing is being 'outsourced' to nannies, with an estimated 94 per cent of Emirati children are reared by nannies¹²⁶¹, prompting His Highness Sheikh Humaid Bin Rashid Al Nuaimi, Member of the Supreme Council and Ruler of Ajman to warn parents against neglecting their children, reports a local newspaper.¹²⁶² Emirati families are generally traditional in their approach to children, which may limit the respect of adults for their views, especially within the family and in schools.¹²⁶³

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

UAE acceded to the United Nations (UN) Convention on the Rights of the Child (Convention) on 3 January 1997. It expressed reservations to Article 7 ("the acquisition of nationality is an internal matter and one that is regulated and whose terms and conditions are established by national legislation"), Article 14 ("it shall be bound by the tenor of this article to the extent that it does not conflict with the principles and provisions of Islamic law"), Article 17 ("it shall be bound by its provisions in the light of the requirements of domestic statutes and laws and, in accordance with the recognition accorded them in the preamble to the Convention, such a manner that the country's traditions and cultural values are not violated") and Article 21 ("since, given its commitment to the principles of Islamic law, the United Arab Emirates does not permit the system of adoption, it has reservations with respect to this article and does not deem it necessary to be bound by its provisions").

UAE submitted its initial report to the Committee on the Rights of the Child (Committee) in April 2000. No alternative report was submitted. UAE has yet to submit its second periodic report, which was due in March 2004. UAE has not signed up to the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Pornography (OPSC) nor to the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC).

Upon review of the Initial Report in 2002¹²⁶⁴ the Committee welcomed legislative measures to promote child rights but expressed concerns that the principles and provisions of the Convention, such as non-discrimination and best interests of the child, are still not adequately reflected in the domestic law. It also recommended UAE to withdraw its reservations and interpretative declarations, to prepare and implement a National Plan of Action, ensure better cooperation between national and local levels of government, and develop a database on children, including the most vulnerable groups, establish an independent monitoring body, and involve civil society more in the implementation of the Convention. Most of these recommendations have yet to be implemented. Although UAE had expressed in 2002 its intentions to withdraw its intentions to two of the reservations, there has been no progress on this matter.¹²⁶⁵ Furthermore, no independent

1260-Human Rights Watch, 'World Report 2011: Events of 2010', 24 January 2011, UAE Chapter available at <http://www.hrw.org/en/world-report-2011/united-arab-emirates>

1261-Knowledge and Human Development Report, 'Early Childhood Education and Care in Dubai', 2009 <http://www.khda.gov.ae/CMS/WebParts/TextEditor/Documents/Early%20Childhood%20Education%20&%20Care%20-%20Executive%20Report%20-%20Eng.pdf>

1262-Gulfnews.com, '94 per cent of Dubai children reared by nannies', 17 March 2011, <http://gulfnews.com/life-style/parenting/94-per-cent-of-dubai-children-reared-by-nannies-1.778358>

1263-Committee on the Rights of the Child 'Concluding observations of the Committee on the Rights of the Child - United Arab Emirates', CRC/C/15/Add.183, 13 June 2002

1264-Ibid.

1265-UN Press Release 'Delegation Says UAE Spares No Efforts to Promote Children's Rights, Committee on Rights of Child Considers Initial Report of UAE on Compliance with Convention', 31 May 2002



monitoring mechanism has been put in place to monitor the implementation of the Convention, nor has a standardised database, including on victims of sexual exploitation, been developed.¹²⁶⁶

2.2 Regional and International Human Rights Instruments

UAE has ratified or acceded to only two other major United Nations Conventions on human rights, namely the International Convention on the Elimination of All Forms of Racial Discrimination (1974), the Convention on the Elimination of All Forms of Discrimination against Women and (2004) and Convention on the Rights of Persons with Disabilities (2010).

UAE is also party to regional treaties. It has agreed to the ‘Cairo Declaration on Human Rights in Islam’ issued in 1990 by foreign ministers of countries members of the Organisation of the Islamic Conference (OIC), a guiding document that does not require ratification.¹²⁶⁷ UAE also ratified the (Amended) Arab Charter of Human Rights’ of the League of Arab States, which entered into force on 15 March 2008.

The UN Human Rights Council Universal Periodic Review (UPR) of the UAE was held in December 2008.¹²⁶⁸ A number of delegations welcomed moves made by the UAE to promote child rights, including in ending exploitative employment of children in camel racing. Child centred recommendations included: promulgate a national law that guarantees better protection for children, incorporating the Convention’s general principle of the best interest of the child, review of the Nationality Law to enable children of UAE mothers and non-UAE fathers to obtain nationality.

2.3 Status of the Right to Protection

The Constitution of the UAE provides for a range of human rights that are relevant to child protection. Article 16 provides that “society shall be responsible for protecting childhood and motherhood and shall protect minors and others unable to look after themselves for any reason, such as illness or incapacity or old age or forced unemployment. It shall be responsible for assisting them and enabling them to help themselves for their own benefit and that of the community”.¹²⁶⁹ Upon review of the Initial Report in 2002, the Committee also welcomed efforts made by the UAE in reviewing its legislation, particularly the draft laws on the Child Protection Act, the Disabled Person’s Act and the Juvenile Delinquency Act.¹²⁷⁰ These laws, however, still appear to be pending in draft format.

A key obstacle to fighting abuse and violence in the UAE remains the lack of information on its scope and various manifestations, and the absence of studies and statistics, despite the recommendation of the Committee in 2002 to conduct a study to assess the nature and extent of ill treatment and abuse of children. Available information suggests the government has not taken sufficient measures to break the silence around violence, abuse or ill-treatment of children, especially within families, or to encourage prevention measures.

No comprehensive child protection mechanism exists within the country, although a number of initiatives have been set up by organisations such as the Red Crescent Foundation

1266-Human Rights Council, ‘Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat Maalla M’jid’, A/HRC/16/57/Add.2, 18 November 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/176/27/PDF/G1017627.pdf?OpenElement>

1267-OIC, ‘Cairo Declaration on Human Rights in Islam’, 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,3ae6b3822c,0.html>

1268-Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review: United Arab Emirates’, A/HRC/10/75, 12 January 2009, http://www.bridgingthegulf.org/fileadmin/pdf/A_HRC_10_75_United_Arab_Emirates_E.pdf_4.pdf

1269-Human Rights Council, ‘Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat Maalla M’jid’, A/HRC/16/57/Add.2, 18 November 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/176/27/PDF/G1017627.pdf?OpenElement>

1270-Committee on the Rights of the Child, ‘Concluding Observations: United Arab Emirates’, CRC/C/15/Add.183, 13 June 2002



for the Protection of Women and Children, established in 2007 to provide shelter and rehabilitation support to victims of violence. The Abu Dhabi Police's Social Support Centre and Human Rights Care Department offers referral services and psychosocial and legal services, although information on the number of cases involving children, prosecutions that have been carried, or the effectiveness of these units in receiving, monitoring, and investigating complaints, is not easily available. In 2009, in her visit to UAE, the Special Rapporteur on the sale of children, child prostitution and child pornography was informed by judges at the Dubai courts informed the Special Rapporteur that they have dealt with perhaps one case of sexual exploitation of a child in their courts in the past 5 to 10 years.¹²⁷¹

Efforts have also been expended to address online child pornography, with the Virtual Global Task force (VGT), established in 2003 to fight online child abuse, organising conference in April 2011, including the application of the Child Exploitation Tracking System, a tool by Microsoft that tracks online activity and is designed to identify anyone who might abuse children via the internet.¹²⁷² UAE as, represented by the Ministry of Interior, became a member of the VGT in 2010, and is thus bound to achieve the VGT objectives identifying, locating and helping children at risk; and to hold perpetrators appropriately to account.¹²⁷³

UAE has not made any progress in implementing the Committee's recommendation to take legislative measures to prohibit corporal punishment. In 1974, a law was adopted prohibiting the use of corporal punishment in educational establishments. Criminal charges could be brought against any teacher found guilty of inflicting corporal punishment.¹²⁷⁴ According to the Global Initiative to End All Corporal Punishment of Children, corporal punishment remains lawful in the home and at alternative settings. In the penal system, corporal punishment is lawful as a sentence for crime. Under the Juvenile Delinquents and Vagrants Act (1976), a child over 16 years may be punished under Article 8 of the Penal Code, and judicial corporal punishment of younger children is permitted under *Shariah* law.¹²⁷⁵

By contrast, significant progress has been made in addressing the issue of trafficking, especially of boys for economic exploitation, as recommended by the Committee. Federal Anti-Human Trafficking Act No. 51 of 2006 was finally promulgated, and National Committee to Combat Human Trafficking was set up in April 2007. The trafficking of young foreign boys as camel jockeys, which had been a serious problem for many years, has been eliminated, since the federal law prohibiting persons below age 18 from participating in camel races and subjects violators to imprisonment and financial penalties was promulgated. UAE also with the support of United Nations Fund for Children (UNICEF)¹²⁷⁶ provided for the social and psychological rehabilitation, repatriation and local reintegration of child camel jockeys, and contributed \$30 million for the establishment of welfare projects for these children in their countries.¹²⁷⁷

1271-Human Rights Council, 'Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat Maalla M'jid', A/HRC/16/57/Add.2, 18 November 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/176/27/PDF/G1017627.pdf?OpenElement>

1272-UAE Interact 'The National, Global anti-child abuse task force set for first conference in UAE', April 5 2011, <http://www.thenational.ae/news/uae-news/global-anti-child-abuse-task-force-set-for-first-conference-in-uae>

1273- UAE Interact , 'UAE inks accession document to VGT', 4 May 2010, http://www.uaeinteract.com/docs/UAE_inks_accession_document_to_VGT/40890.htm

1274- Committee on the Rights of the Child 'Written Replies by the Government of the UAE Concerning the List of Issues (CRC/C/Q/UAE/1) received by the Committee on the Rights of the Child relating to the Consideration of the Initial Report of the UAE', Received on 26 April 2002

1275-Human Rights Council, 'Summary Prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15 (C) of The Annex to Human Rights Council Resolution 5/1 United Arab Emirates', A/HRC/WG.6/3/ARE/3, 16 September 2008

1276-Human Rights Council, 'National Report submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1 United Arab Emirates', A/HRC/WG.6/3/ARE/1, 16 September 2008, http://www.bridgingthegulf.org/fileadmin/pdf/A_HRC_WG6_3_ARE_1_United_Arab_Emirates_E.pdf

1277-In her 2009 mission to UAE, the Special Rapporteur noted that there are allegations that 988 Pakistani child camel jockeys who were previously trafficked to the United Arab Emirates have not been provided with compensation to date. No information



2.4 Status of the Right to Education

The Constitution enshrines the right to education: Article 17 stipulates that “Education is a fundamental factor in social progress. It is compulsory at the primary stage and free of charge at all stages in the Federation. The law shall establish the necessary plans for the dissemination of education at its different stages and for the eradication of illiteracy”.¹²⁷⁸ Free public education is guaranteed up until university for all citizens of the UAE; the government states that all children at (pre-university) school age, regardless of their nationality, gender or religion, are entitled to enrol at government schools.¹²⁷⁹

School enrolments have been rapidly increasing in UAE. Gross primary school enrolment ratios for girls and boys are now 108, while gross secondary school enrolment rates are 93 for boys and 95 for girls.¹²⁸⁰ The country is thus on track to achieve universal primary education by the year 2015. In its 2010 Concluding Observations, the Committee on the Elimination of Discrimination against Women deplored the lack of detailed information and data regarding access to education services by girls from rural areas and non-national girls.¹²⁸¹ There are reports non-citizen children could enrol in public schools only if they scored at least 90 per cent on entrance examinations, given only in Arabic.¹²⁸² As such, although there is no specific legislation prohibiting the access to public schools for children of non-citizens, there appears to be *de facto* discrimination on this issue. Children of stateless persons also face restricted access to education¹²⁸³, although detailed information on schooling of Bidoon is hard to obtain.

2.5 Status of the Right to Survival and Development

Important strides have been made in reducing child and infant mortality rates. Under-5 mortality rate decreased from 17 (per 1,000 live births) to 7 between 1990 and 2009, and under-1 mortality rate from 15 to 7 during the same period, one of the lowest rates in the region.¹²⁸⁴ The share of under-fives who are suffering from moderate or severe underweight however remains relatively high at 14 per cent.¹²⁸⁵

2.6 Right to Health

The right to health is enshrined in Article 19 of the Constitution “Society shall guarantee citizens health care, together with the means to prevent and treat diseases and epidemics. It shall encourage the establishment of hospitals, clinics and public and private treatment centres”.¹²⁸⁶ In 2009, total expenditure on health amounts to 2.8 per cent of total Gross Domestic Product (GDP).¹²⁸⁷

Significant advances have been made in healthcare. In 2007, the UAE was declared polio

was found on whether compensation has been offered since then.

1278-Human Rights Council, ‘National Report submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1 United Arab Emirates’, A/HRC/WG.6/3/ARE/1, 16 September 2008, http://www.bridgingthegulf.org/fileadmin/pdf/A_HRC_WG6_3_ARE_1_United_Arab_Emirates_E.pdf

1279-Committee on the Rights of the Child, ‘Initial reports of States parties due in 1999 – United Arab Emirates’, CRC/C/78/Add.2, 24 October 2001

1280-UNICEF, ‘United Arab Emirates: Statistics’, http://www.unicef.org/infobycountry/uae_statistics.html

1281-Committee on the Elimination of Discrimination against Women, ‘Concluding observations of the Committee on the Elimination of Discrimination against Women United Arab Emirates’, CEDAW/C/ARE/CO/1, Advanced Unedited Version, 5 February 2010 <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ARE-CO-1.pdf>

1282-US Department of State, ‘2010 Country Reports on Human Rights Practices’, 8 April 2011, UAE Country Report available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154475.htm>

1283-*Ibid.*

1284-UNICEF, ‘United Arab Emirates: Statistics’, http://www.unicef.org/infobycountry/uae_statistics.html

1285-*Ibid.*

1286-Human Rights Council, ‘National Report submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1 United Arab Emirates’, A/HRC/WG.6/3/ARE/1, 16 September 2008, http://www.bridgingthegulf.org/fileadmin/pdf/A_HRC_WG6_3_ARE_1_United_Arab_Emirates_E.pdf

1287-WHO, ‘United Arab Emirates’, <http://www.who.int/countries/are/en/>



and malaria free.¹²⁸⁸ By contrast, children in the UAE are increasingly vulnerable to non-communicable illnesses. A report by the World Health Organisation (WHO) found that 78 per cent of 13-15 year old children lack the amount and type of physical activity that would protect them from cardiovascular disease and keep them healthy.¹²⁸⁹

Adolescent health was identified as an area of concern by the Committee in its 2002 Concluding Observations. The Committee expressed its concern at the insufficient information available in relation to adolescent health, such as access to reproductive health services and mental health counselling, services.

2.7 Status of Child Rights under Emergencies

The UAE is not party to the UN 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. There is no framework for providing protection to refugees and asylum seeker, and as access to employment, education, and other public services is based on an individual's status as a legal resident, a refugee is not eligible for such benefits.¹²⁹⁰ In addition, the government does not provide protection against *refoulement*, the return of persons to a country where there is reason to believe they feared persecution. More research is needed found on the status of the right of children to protection, education, and health under emergencies.

3. Stakeholder Analysis

3.1 Government Structures

Various ministries deal with various aspects of the rights of the child, including the Ministry of Social Affairs, the Ministry of Education, Ministry of Health, the Ministry of Justice and the Ministry of the Interior. The National Committee to Combat Human Trafficking was established by Federal Anti-Human Trafficking Act No. 51 of 2006. Dubai Women's and Children's Foundation was set up in 2007 to provide services, including safe houses, training opportunities and rehabilitation services, to victims of violence, including domestic violence. Zayed Foundation for Charitable Works, established in 1992, runs child care institutions and rehabilitation services. The Family Development Foundation was established in May 2006 by a decree of the President of the State, and focuses on the rights of women and children. The Community Development Authority has also run projects and campaigns, including Friendly Touch, to improve the status of children living with disabilities. H Sheikha Fatima Bint Mubarak is a key person in the field of women and child rights, being the Chairwoman of the UAE General Women's Union and of the Family Development Foundation as well as the chairwoman of the Supreme Council for Maternity and Childhood.¹²⁹¹

3.2 Civil Society

Civil society is restricted in the UAE. Regulatory environment is severely restrictive: 'political organisations' and trade unions are banned and all civil society organisations must receive prior government approval before publishing any materials.¹²⁹² Charitable associations and non-governmental organisations (NGOs) are required to register with Ministry of Social Affairs. Some 100 NGOs are registered, many of them receiving government subsidies. The majority of

1288-Human Rights Council, 'National Report submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1 United Arab Emirates', A/HRC/WG.6/3/ARE/1, 16 September 2008, http://www.bridgingthegulf.org/fileadmin/pdf/A_HRC_WG6_3_ARE_1_United_Arab_Emirates_E.pdf

1289-Gulfnews.com, 'Inactive children in UAE face heart disease risk', 23 October 2010 <http://gulfnews.com/news/gulf/uae/health/inactive-children-in-uae-face-heart-disease-risk-1.700424>

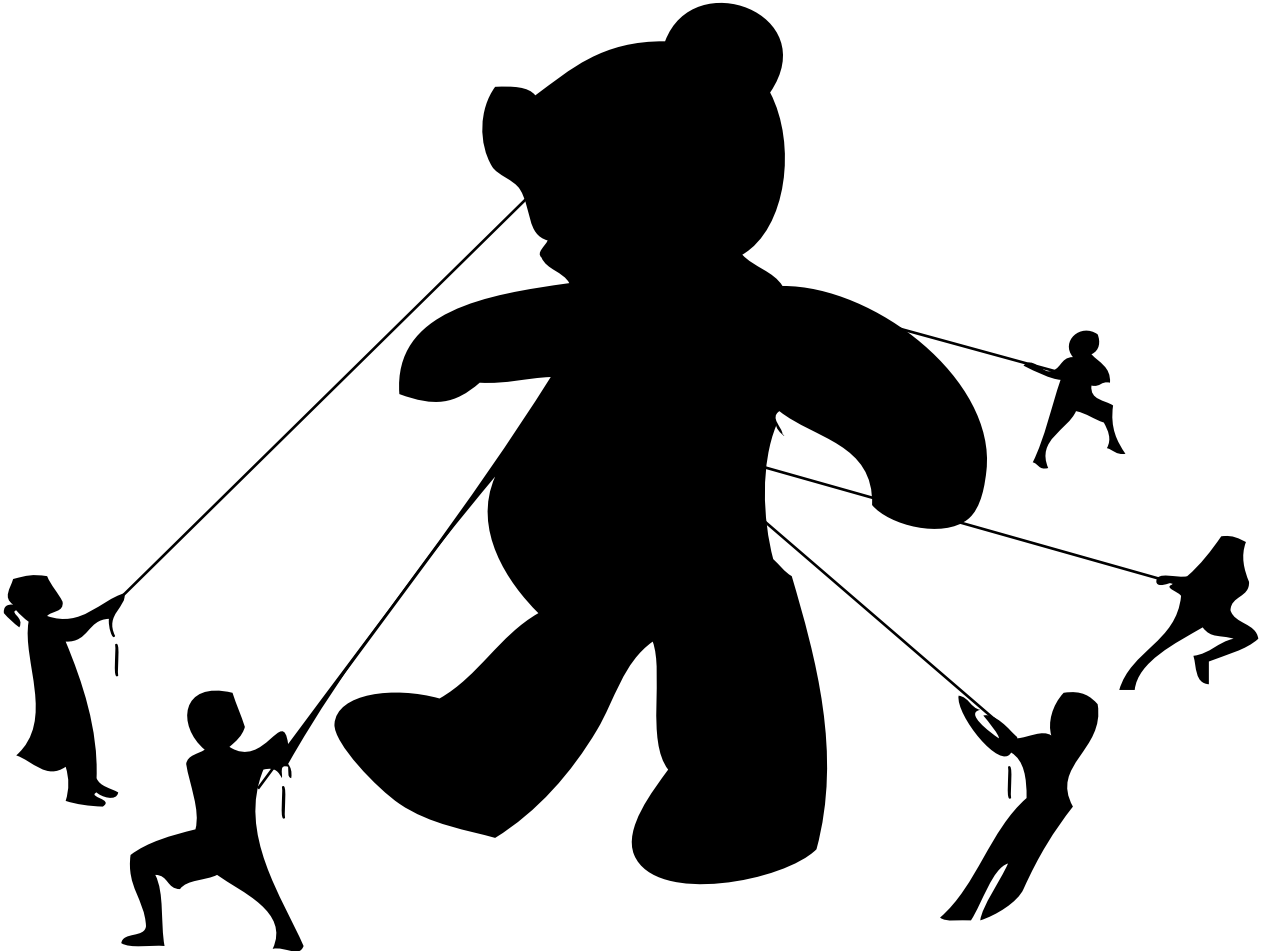
1290-US Department of State, '2010 Country Reports on Human Rights Practices', 8 April 2011, UAE Country Report available at <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154475.htm>,

1291-UAE Interact, 'UAE celebrates International Children's Day', 22 November 2010, http://www.uaeinteract.com/docs/UAE_celebrates_International_Childrens_Day/43411.htm

1292-Unless otherwise stated, information in this section is extracted from US Department of State, '2010 Country Reports on Human Rights Practices', 8 April 2011, UAE Country Report, <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154475.htm>



NGOs provide social, educational, or charitable services. In its 2002 Concluding Observations, the Committee noted that good cooperation between the government and NGOs, but recommended that the UAE systematically involve civil society, especially children’s associations, throughout all stages of the Convention, particularly with regards to civil rights and freedoms.¹²⁹³ The Committee also recommended that NGO regulation be aligned to Article 15 of the Convention and other international standards of freedom of association.



1293-Committee on the Rights of the Child ‘Concluding observations of the Committee on the Rights of the Child - United Arab Emirates’, CRC/C/15/Add.183, 13 June 2002





Yemen Country Profile

1. Country Overview

1.1 Demographic Profile

The Republic of Yemen, a low income country, is home to a total population of 24 million; an estimated 12 million persons are under the age of 18 and 3.8 million under the age of 5.¹²⁹⁴ *Akhdam* ('Servants'), Yemeni citizens of presumably African origin, represent around 200,000 to 500,000 individuals,¹²⁹⁵ and are generally socially isolated and marginalised by the Yemeni society. There are no exact figures on the number of refugees in Yemen. Over 190,000 refugees, predominantly Somalis, are hosted by Yemen according to the United Nations Refugee Agency (UNHCR),¹²⁹⁶ but the actual number, including those that have not registered, is likely to be much higher. An increasing number of Ethiopians are also arriving to the shores of Yemen.

There are also an estimated 342,000 persons registered as Internally Displaced Persons (IDPs) having been displaced from their homes during the five-year-old conflict between the Yemeni Government and the Al Houthi movements in the north of the country.¹²⁹⁷

1.2 Socio-economic Developments

Despite oil propelled economic growth (oil has traditionally contributed to nearly 75 per cent of national income) Yemen has some of the worst social and economic indicators in the Middle East and North Africa region. Yemen is categorised as belong to the group of Least Developed Countries. It has with low human development index, ranking 133 out of 169 countries with comparable data.¹²⁹⁸ Rapid population growth, lack of diversified economy, rapidly depleting water resources, weak government institutions, and vulnerability to natural disasters and successive conflicts are some of the main challenges facing the country. In particular, the country was badly hit by the global food and fuel crisis of 2008, with 60 per cent increase in food prices straining the budgets of net food purchasing households.¹²⁹⁹ An estimated 43 per cent of the population was living in poverty in 2009 – an 8 percentage increase point from 2005.¹³⁰⁰ With nearly 58 per cent of all children malnourished, Yemen ranks 74 out of 85 developing countries in the International Food Policy Research Institute's Global Hunger Index.¹³⁰¹

1.3 Political Developments and Human Rights Record

On 22 May 1990, the Republic of Yemen was established when the Yemen Arab Republic and the Peoples' Democratic Republic of Yemen came to unification. Yemen has faced numerous political and security challenges in the past decades. Tribal grievances, sea piracy around the Gulf of Eden, and influx of refugees and asylum seekers from the horn of Africa, combined with six consecutive wars between the government and Houthi rebels in the north of the country, protests from Bani-Hushaish tribes in the north of the capital, protests by South Separatists, and the rising profile of Al Qaida, have all added to political volatility.¹³⁰² The

1294-UNICEF 'Yemen: Statistics', http://www.unicef.org/infobycountry/yemen_statistics.html#68

1295-Habitat International Coalition, 'The Human Right to Adequate Housing in the Case of Al-Akhdam (Yemen)', 2006, www.hic-mena.org/documents/Akhdam%20factsheet2.doc

1296-As of January 2011, UNHCR '2011 UNHCR country operations profile – Yemen', <http://www.unhcr.org/pages/49e486ba6.html>

1297-UNHCR, '2011 Regional Operations Profile - Middle East and North Africa', 2011, <http://www.unhcr.org/pages/4a02db416.html>

1298-UNDP, 'International Human Development Indicators', 2010, <http://hdrstats.undp.org/en/countries/profiles/YEM.html>

1299-World Bank 'Yemen Economic Update', September 2009

1300-International Food Policy Research Institute (IFPRI) 'Impacts of the Triple Global Crisis on Growth and Poverty in Yemen', February 2010

1301-International Food Policy Research Institute (IFPRI), 'Reducing Poverty and Hunger in Yemen', 26 February 2010

1302-UNDP, 'Resident Coordinator Annual Report', 2009, <http://www.undp.org/ye/reports/RCAR%202009.pdf>



lives of hundreds of thousands of people have been devastated by successive conflicts, especially in the north of the country. Starting in June 2004 and ending with a ceasefire in February 2010, armed conflict between Al Houthi group and pro-government forces has led to the displacement of an estimated 316,000 people, 6 per cent of them children and women, throughout the conflict-affected governorates of Hajjah, Amran, Sa'ada, Al-Jawf and Sana'a.¹³⁰³

Political tension escalated in the first quarter of 2011, with deadly clashes between government forces and protestors calling for an end to the 33-year rule of President Ali Abdullah Saleh. According to local NGO Seyaj Organisation for Childhood Protection, at least 22 children were killed and more than 200 injured during the protests in March 2011.¹³⁰⁴ At the time of the writing of this report, the six-nation Gulf Cooperation Council (GCC) was mediating between the government and opposition parties. Along with the escalation of violence, human rights situation has deteriorated. Amnesty International reports that the government has consistently subordinated human rights to security challenges, with widespread prevalence of torture, ill-treatment, and restrictive laws and repressive actions undermining freedom of association, press and expression.¹³⁰⁵

1.4 Society and Culture in regards to Children

Article 16 of the Constitution defines the family as “the basis of society... and the law shall maintain the integrity of the family and strengthen its ties”.¹³⁰⁶ Although in theory children are valued as human capital in the tribal society in Yemen, the traditional attitudes towards children in local communities in Yemen limit respect for their views, especially within the family and schools.¹³⁰⁷ Young boys are heavily influenced by the gun culture in Yemen - a survey carried out in 2009 concluded that there were nearly 10 million small arms in the country, with 60 per cent of interviewed families that they had weapons in the home.¹³⁰⁸

Girls, especially in rural areas, continue to face severe discrimination and are subject to forced and early marriage. In a survey by a local non-governmental organisation (NGO) in cooperation with Save the Children Sweden, 78 per cent of interviewed adults and children responded that children face discrimination in one form or another, with poor *Akhdaam* girls most vulnerable to discrimination.¹³⁰⁹ NGOs also confirm that community discrimination against children, particularly *Akhdaam*, children who are abandoned, children living or working in the streets and children living with disabilities, persists.¹³¹⁰

2. Status of the Rights of the Child

2.1 Convention on the Rights of the Child

Yemen signed the United Nations (UN) Convention on the Rights of the Child (Convention) on 13 February 1990, and ratified it on 1 May 1991, without expressing any declarative interpretations or reservations.¹³¹¹ Yemen submitted its initial periodic report on the implementation of the

1303-Yemen Child Protection Sub-Cluster' Inter-Agency Comprehensive Child Protection Assessment in conflict-affected governorates in North Yemen', August 2010

1304-IRIN News, 'Yemen: Children killed, traumatized by upsurge in violence', 5 April 2011, <http://reliefweb.int/node/395375>

1305-Amnesty International, 'The State of the Worlds Human Rights Report 2011', 2011

1306-National Legislative Bodies, 'Constitution of Yemen', 10 February 2001 <http://www.unhcr.org/refworld/docid/3fc4c1e94.html>

1307-Committee on the Rights of the Child, 'Concluding observations: Yemen', CRC/C/15 Add.267, 21 September 2005

1308-Cited in IRIN News 'Yemen: Gun culture takes its toll on boys', 29 August 2010, <http://www.unhcr.org/refworld/topic,4565c22538,4655541733,4c7cbb2e1e,0.html>

1309-Survey findings cited in IRIN News, 'Yemen: Girls, poor and black children most discriminated against – study', 15 March 2009

1310-Yemen National NGO Coalition 'The Third NGOs Alternative Periodic Report On Rights of the Child', 2004, <http://www.bettercarenetwork.org/resources/infoDetail.asp?ID=5495&flag=legal>

1311-United Nations Treaty Collection, 'Human Rights: Convention on the Rights of the Child' http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en



Convention to the Committee on the Rights of the Child (Committee) in November 1994, its second periodic report in October 1997, and its third report in May 2003, and its fourth report in May 2010.¹³¹² The Yemen National NGO Coalition has submitted four alternative reports thus far, and the Yemeni children's parliament submitted an alternative report and met with the UN CRC Committee in September 2009.¹³¹³ The latest Concluding Observations of the Committee on the implementation of the Convention were issued on 21 September 2005.

In its Concluding Observations, the Committee, while welcoming legislative measures such as the promulgation of the Rights of the Child Act No. 45 of 2002, expressed its concerns that the existing legislation does not fully reflect the principles and provisions of the Convention.¹³¹⁴ More specifically, the Committee referred to the discrepancies in the definition of the child in national legislation, insufficient resources allocated to the realisation of child rights, particularly due to high inflation rates, persistent discrimination against the girl child, *Akbdaam* children, and children born out of wedlock, children with disabilities, street children and children living in rural areas. While Yemen has implemented a range of child protection measures since the Concluding Observations were issued, less progress has been made in terms of eradicating discrimination. For example, in May 2011, the Committee on Economic, Social, and Cultural Rights reiterated the concern that *Al-Akbdaam* people continue to face social and economic marginalisation and discrimination, with children suffering from extensive level of child labour, the extremely high levels of school drop-out, and the lack of adequate housing, water and sanitation, as well as electricity.¹³¹⁵

Yemen acceded to the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) on 15 December 2004 and the Protocol on the involvement of children in armed conflict (OPAC) on 2 March 2007. It submitted its initial periodic report on the implementation of the OPSC in February 2008. Alternative reports regarding Yemen's implementation of the OPSC were prepared by Democracy School, on behalf of Children's Parliament¹³¹⁶, Child Helpline International and Arab Human Rights Foundation, and the Yemen National NGO Coalition in 2009.¹³¹⁷ The Committee issued its Concluding Observation on the initial report in October 2009.¹³¹⁸ While welcoming legislative advances in the field of child protection, many of the concerns expressed in 2005 Concluding Observations were reiterated by the Committee upon review of the OPSC report, including lack of body for monitoring human rights in general and children's rights in particular, lack of data on vulnerable groups of children and limited resources allocated to child protection.

2.2 Regional and International Human Rights Instruments

Yemen has acceded to or ratified many of the major United Nations conventions on human rights, namely: the International Convention on the Elimination of All Forms of Racial Discrimination (1972), International Covenant on Civil and Political Rights the International Covenant on Economic, Social and Cultural Rights (1987), the Convention on the Elimination of All Forms of Discrimination Against Women (1984), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1991), and Convention on the Rights of Persons with Disabilities (2009).

¹³¹²-The third and fourth periodic report however is not available on the United Nations Treaty Collection, and no further information has been found on the submission of the report.

¹³¹³-Yemen National NGO Coalition 'The Third NGOs Alternative Periodic Report On Rights of the Child', 2004, available at <http://www.bettercarenetwork.org/resources/infoDetail.asp?ID=5495&flag=legal>

¹³¹⁴-Committee on the Rights of the Child, 'Concluding observations: Yemen', CRC/C/15/Add.267, 21 September 2005

¹³¹⁵-Committee on Economic, Social and Cultural Rights, 'Concluding Observations of the Committee on Economic, Social and Cultural Rights: Yemen', E/C.12/YEM/CO/2, 1 June 2011, <http://www.ohchr.org/en/countries/menaregion/pages/yeindex.aspx>

¹³¹⁶-Democracy School, 'First Report By the Children's Parliament On The Conditions of Children in Yemen', 2008

¹³¹⁷-Yemen National NGO Coalition, 'NGOs Alternative Report on the Yemeni Governments OPSC Initial Report', 2009, <http://www.bettercarenetwork.org/resources/infoDetail.asp?ID=20975&flag=legal>

¹³¹⁸-Committee on the Rights of the Child, 'Concluding Observations Yemen', CRC/C/OPSC/YEM/CO/1, 13 October 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/453/59/PDF/G0945359.pdf?OpenElement>



Yemen has also signed regional treaties. It agreed to the ‘Cairo Declaration on Human Rights in Islam’, a declaration of the member states of the Organisation of the Islamic Conference (OIC) adopted in Cairo in 1990.¹³¹⁹ Yemen was one of the first Arab countries to ratify the League of Arab States’ Amended Arab Charter on Human Rights, after its entry into force, pursuant to Act No. 45 of 2008 concerning ratification of the Charter.¹³²⁰

During the UN Human Rights Council Universal Periodic Review (UPR) of Yemen, held on 11 May 2009 measures implemented by Yemen to promote child rights, namely the adoption of National Strategy for Children and Young People, the establishment of rehabilitation centres for disadvantaged children and a Children’s Parliament, the lowering of the under-five mortality rate, were welcomed.¹³²¹ A number of delegations expressed concern about lack of advances made in implementing the recommendations of the Committee, including forced early marriages, and discrimination and violence against the girl child, and issues related to the definition of a child, family law and juvenile justice, and birth registration. Yemen formally accepted all the recommendations made, with the exception of recommendations relating to abolishing torture and corporal punishment.¹³²²

2.3 Status of the Right to Protection

Article 30 of the Yemeni Constitution states that: “the state shall protect mothers and children, and shall sponsor the youth and the young”.¹³²³ The right to protection from violence, abuse, and exploitation is enshrined in the Children’s Rights Act of 2002, which states that the State has a duty to protect children from all forms of sexual and economic exploitation and neglect.¹³²⁴ Since the Concluding Observations were issued in October 2005, Yemen has made considerable progress in developing and implementing legislative and executive measures to better protect children from violence, abuse, sexual and economic exploitation. Specifically, Yemen has established national networks on violence against children and for the welfare of children in conflict (recently merged with the child protection network) and has set up a national committee against child smuggling.¹³²⁵ The Protection against Domestic Violence Act was adopted in 2008, National Strategy for Youth and Children (2006-2015), prioritising, amongst others, child smuggling and the strengthening of the *kafalah* system, is being implemented, and National Plan to Protect Children against Violence was approved in 2010.¹³²⁶

Legislative gaps continue to persist, and children continue to be subject to various forms of violence, abuse and exploitation. Corporal punishment continues to be lawful in the home and at alternative care settings, despite the Committee’s 2005 recommendation that Yemen should “undertake well-targeted public-awareness campaigns on the negative impact of corporal punishment on children, and provide teachers and parents with training on non-violent forms of discipline as an alternative to corporal punishment”.¹³²⁷ Although

1319-OIC, ‘Cairo Declaration on Human Rights in Islam’, 5 August 1990, <http://www.unhcr.org/refworld/publisher,ARAB,,3ae6b3822c,0.html>

1320-Human Rights Council, ‘National Report Yemen’, A/HRC/WG.6/5/YEM/1 20 February 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/139/40/PDF/G0913940.pdf?OpenElement>

1321-Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review Yemen’, A/HRC/12/13 5 June 2009, Available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/139/40/PDF/G0913940.pdf?OpenElement>

1322-A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review is provided at <http://www.crin.org/resources/infoDetail.asp?ID=21791&flag=report#nn>

1323-National Legislative Bodies, ‘Constitution of Yemen’, 10 February 2001 <http://www.unhcr.org/refworld/docid/3fc4c1e94.html>

1324-Committee on the Rights of the Child, ‘Initial reports of States parties due in 2007: Yemen’, CRC/C/OPSC/YEM/1, 19 February 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/408/18/PDF/G0940818.pdf?OpenElement>

1325-Committee on Economic, Social and Cultural Rights, ‘Concluding Observations of the Committee on Economic, Social and Cultural Rights: Yemen’, E/C.12/YEM/CO/2, 1 June 2011, <http://www.ohchr.org/en/countries/menaregion/pages/yeindex.aspx>

1326-*Ibid.*

1327 Committee on the Rights of the Child, ‘Concluding observations: Yemen’, CRC/C/15 Add.267, 21 September 2005



Article 146 of the Children's Act purports to "protect children from maltreatment and exposure to physical and psychological torture and bring the perpetrators to justice taking into consideration the legal and legislative rights of parents to discipline their children" and Protection against Domestic Violence Act criminalises domestic violence, corporal punishment is socially perceived and accepted as a disciplinary act.¹³²⁸ According to a 2005 research, almost 90 per cent of interviewed children reported that physical and humiliating punishment is the main method of disciplining them in the family, with home beating the most common form of punishment for girls in rural areas, and severe physical punishment, including hitting with a stick, was more commonly used against boys in urban areas.¹³²⁹

Even when the law explicitly prohibits corporal punishment, for example in schools, enforcement is problematic. The Ministry Education No. 10 of 2001, which was renewed in October 2010, explicitly prohibits corporal punishment at schools; the decree nevertheless does not include penalties in cases of non-compliance and no complaint mechanism has been put in place for victims to report violations.¹³³⁰ Although corporal punishment is unlawful in penal institutions, young persons under 18 moreover may be lawfully be sentenced to corporal punishment, including flogging and amputation. In its Concluding Observations in May 2010, the Committee against Torture also expressed concern at the existence of the phenomenon of amputation and flogging as criminal sanctions and recommended law reform to end such practices.¹³³¹

Moreover, despite progress achieved in juvenile justice reforms – including the preparation of amendments to the Juvenile Welfare Act which would increase the minimum age of criminal responsibly from 7 to 10 – the administration of juvenile justice remains problematic.¹³³² In practice, there are reports that children as young as 7 are detained, children are often not separated from adults in detention facilities, where they are vulnerable to abuse. Although it is unlawful to sentence juvenile offenders to capital punishment, there are reported cases of imposition of the death penalty on children of between 15 and 18 years of age.¹³³³ Between 2006 and 2010, 14 children were reportedly executed, 11 children were on death row as of January 2011, and a further 84 children were at risk of being sentenced to death.¹³³⁴

There has been some progress in addressing Committee's concern regarding the high prevalence of child labour and the fact that the phenomenon is widely accepted in society. Specifically, the Ministry of Social Affairs and Labour has developed a national plan to combat the worst forms of child labour (2008-2012). However, information on implementation of the plan, its effectiveness and resources allocated, is not widely available. Enforcement of child labour legislation is also severely limited, and the phenomenon of child labour continues widespread in Yemen, where an estimated 23 per cent of children work according to United Nations Children's Fund (UNICEF).¹³³⁵ Reports suggest that despite children as young as 6 are working in the streets¹³³⁶, in clear violation of Article 133 of the Children's Rights Act prohibits children working below the age of 14 years and stipulates human rights standards for working children above the age of 14.

1328-Global Initiative to End all Corporal Punishment of Children, 'Yemen Country Report', December 2010

1329-*Ibid.*

1330-Save the Children Sweden and IBCR, 'Violence Against Children in Schools: A Regional Analysis of Lebanon, Morocco and Yemen', Draft Version, 2011

1331-Committee against Torture, 'Concluding Observations: Yemen', Advanced Unedited Version, 26 April-14 May 2010, <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.YEM.CO.2.pdf>

1332-Committee against Torture, 'Concluding Observations of the Committee against Torture: Yemen', Advance Unedited Version, 26 April-14 May 2010 Session

1333-*Ibid.*

1334-Child Rights Information Network (CRIN), 'Inhuman sentencing of children in Yemen', January 2011, http://www.juvenilejusticepanel.org/resource/items/C/R/CRINInhumanSentencingYemen11_EN.pdf

1335-2000-2009 average, UNICEF 'Yemen: Statistics', http://www.unicef.org/infobycountry/yemen_statistics.html#68

1336-Democracy School, 'First Report By the Children's Parliament On The Conditions of Children in Yemen', 2008



A survey by an international non-governmental organisation (NGO) found that over 10 per cent of interviewed boys started working by age 9 and nearly 40 per cent by age 13.¹³³⁷ In addition, children are reported to work in arduous and hazardous jobs, in construction, in services, and in agriculture. A local organisation, Child Foundation for Development also reports that a half million children work in hazardous jobs, and 60 per cent of these children have been exposed to injury, while 20 per cent of them have been subjected to sexual exploitation.¹³³⁸ Although the Yemeni Labour Law which prohibits hazardous work for those under 18 as stipulated in 2004 Ministerial Decree No. 56, Article 45 of the General Labour Law of 1995, the decree does not contain sanctions for hazardous work violations.¹³³⁹ The government and local civil society organisations estimate there are hundreds of thousands of children in forced labour in Yemen, particularly in domestic service, small shops, or begging.¹³⁴⁰ Although the Yemeni and Saudi Arabian governments are increasingly addressing the issue of trafficking of children, with support from UNICEF,¹³⁴¹ Yemeni children, mostly boys, continue to be subjected to forced labour as beggars and street vendors in Saudi Arabia, facilitated by criminal gangs.

Incidences of sexual violence and exploitation are also severely under reported due to the sensitivity of the issue, with girls in particular fearing shame or fear of being blamed. This is aggravated by lack of legislation on child victim protection, and the scarce availability of psychosocial services. In its 2009 review of the initial report of Yemen on the implementation of the OPSC, the Committee expressed its deep concern that Yemen does not have specific legislation on child victim, “there is no definition of the victim, while child victims are held responsible, tried and placed in detention, and that boys and girls victims of child prostitution may be subject to punitive sanctions and stigmatisation”.¹³⁴² The Committee also expressed its concerns that economic deterioration may be increasing the incidences of sexual exploitation of children, particularly through the guise of ‘tourist marriages’ or ‘temporary marriages’, noting that the criminal legislation does not prohibit the accepting of a child for the purpose of sexual exploitation.¹³⁴³

The country has made no significant progress in implementing the Committee’s 2005 recommendation to undertake all necessary measures to eradicate harmful traditional practices, most notably female genital mutilation (FGM). There is no law against FGM in Yemen, although ministerial decree effective since 9 January 2001, however, prohibits the practice in both government and private health facilities.¹³⁴⁴ National prevalence rate of FGM is 27 per cent.¹³⁴⁵ However in certain communities the practice is considerably more pervasive. One survey has found that 96 per cent of women in Hodeida, Hadraumat and Al-Maharah had undergone this procedure, while in Aden and Sana’a city the rates were 8 and 45.5 per cent, respectively.¹³⁴⁶ In May 2011, the Committee on Economic, Social,

1337-CHF International Yemen ‘ACCESS-Plus Baseline Report 2009: A report on child labor and education in Aden, Hajjah, Hudeida, Sana’a and Tai’z Governorates in Yemen’, 2009

1338-Yemen Times, ‘National campaign against Child Labour’, 9 August 2010 http://www.yementimes.com/defaultdet.aspx?SUB_ID=34549

1339-US Department of Labor, ‘Country Profile Yemen Findings on the Worst Forms of Child Labour’, 2009

1340-US Department of State, ‘Trafficking in Persons Report: 2011’, 2011

1341-For an example of project aiming to address the issue of child trafficking, see, UNICEF, ‘Where the streets are golden: Yemeni families traffic their boys to Saudi Arabia hoping for a better life’ undated, http://www.unicef.org/protection/index_27525.html

1342-Committee on the Rights of the Child, ‘Consideration of Reports Submitted by States Parties under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography Concluding observations: Yemen’, CRC/C/OPSC/YEM/CO/1,13 October 2009

1343-*Ibid.*

1344-Surveys cited in US Department of State ‘Yemen: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC)’ 1 June 2001

1345-1997 Survey, cited in UNDP, ‘Arab Human Development Report 2009: Challenges to Human Security in the Arab Countries’, 2009

1346-Surveys cited in US Department of State ‘Yemen: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC)’, 1 June 2001



and Cultural Rights reiterated this recommendation, urging Yemen to adopt legislation criminalising female genital mutilation and ensure the prosecution and adequate punishment of those performing it or imposing it on girls or women.¹³⁴⁷

Legislative advances to reduce early marriage have been limited in Yemen. Yemen's Personal Status sets no minimum age for marriage of girls, stating instead that a girl "is not to be wed until she is ready for sex, even if she exceeds 15 years".¹³⁴⁸ Amendments to increase the minimum age of marriage to 18 have not been accepted by the House of Representatives. The parliament accepted to put 17 as a minimum age for marriage but unfortunately this decision has not been followed up on due to the strong lobbying being carried out by Islamic groups. Early marriage has been associated to increased risks of maternal mortality and school drop outs. An estimated 52 per cent of girls are married by age 18, with some girls reported to be marrying as young as 8.¹³⁴⁹

Birth registration remains a critical issue in Yemen, where only 22 per cent of children less than 5 years old are registered.¹³⁵⁰ The Committee has repeatedly recommended the State party to abolish registration fees and to take all appropriate measures to ensure the registration of all births, including by raising awareness among government officers, midwives, community and religious leaders, establishing civil registration mechanisms in hospitals, and encouraging the use of mobile registration units, particularly in remote and rural areas.¹³⁵¹

2.4 Status of the Right to Education

The right to education is enshrined in the Constitution, the Rights of the Child Act No. 45 of 2002 and the Yemeni General Education Law No. 45 for the year 1992. Education is free of charge and compulsory for the first nine years, starting from the age of six.¹³⁵² Spending on education accounted for 22 per cent of total government expenditure in 2005, up from 18 per cent in 2002.¹³⁵³

Education outcomes however are not commensurate with this investment. School enrolment rates are low. Net primary school enrolment rate is 79 per cent for boys and 66 per cent for girls. Survival rate to last primary grade is only 73 per cent, while net secondary school enrolment rate is 49 per cent for boys and an astonishingly low 26 per cent for girls.¹³⁵⁴ School drop-out rates are high, particularly for girls in rural communities. The government also reports that information and cultural programmes and activities to raise awareness of the importance of education are not particularly effective.¹³⁵⁵

The education sector in Yemen is riddled with challenges, as noted by the Committee in 2005: the quality of education remains still very deficient; dropout rates are very high and secondary education enrolment rates have decreased; urban/remote/rural disparities remain very high; negative stereotypes of girls remain in school curricula; and the qualifications of children entering the labour market are very low as a consequence of missing vocational

1347-Committee on Economic, Social and Cultural Rights, 'Concluding Observations of the Committee on Economic, Social and Cultural Rights: Yemen', E/C.12/YEM/CO/2, 1 June 2011, <http://www.ohchr.org/en/countries/menaregion/pages/yeindex.aspx>

1348-Human Rights Watch, 'World Report 2009: Events of 2008' 2009, Yemen Chapter available at <http://www.hrw.org/en/node/79308>

1349- *Ibid.*

1350-2000-2009 average, UNICEF, 'State of the World's Children 2011', 2011

1351-Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography Concluding observations: Yemen', CRC/C/OPSC/YEM/CO/1, 13 October 2009

1352-The Yemeni General Education Law No (45) for the year 1992

1353-Committee on Economic, Social and Cultural Rights, 'Second Periodic Report submitted by States Parties under articles 16 and 17 of the Covenant Yemen', E/C.12/YEM/2, 24 November 2009

1354-2005-2009 average, UNICEF, 'Yemen: Statistics', http://www.unicef.org/infobycountry/yemen_statistics.html#68

1355-*Ibid.*



training.¹³⁵⁶ Studies have also indicated that the lack of female teachers is one of the factors impeding girl's access to education, particularly in secondary school where parents may object to girls interacting with male teachers.¹³⁵⁷

The Ministry of Education has established a general department for inclusive education, and an inclusive education project in 60 schools¹³⁵⁸, which has been supported by Save the Children. Outreach appears to be limited, as only 453 girls and boys living with disabilities have been able to benefit. UNICEF also notes that there is a marked disparity for education indicators between vulnerable communities such as *Akhdam* and the general population.¹³⁵⁹

Despite accounting for a high share of government spending, education infrastructure remains woefully inadequate. In its periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights, the government of Yemen reported that “the maintenance of school buildings is one of the main problems confronting the education system, especially in rural areas. 61 per cent of school buildings do not have the equipment needed to run a school... Electricity is available in only around 49 per cent of primary schools and 23 per cent of secondary schools. Moreover, there is a shortage of school chairs and other supplies, and those that are provided are not used properly”.¹³⁶⁰

Refugee children are permitted to enrol in public schools; however given limited availability of school facilities, many refugee children reportedly are not enrolled. UNHCR provides education in refugee camps, but the quality of education is low and drop-out rates particularly for girls are high.¹³⁶¹

2.5 Status on the Right to Survival and Development

Child and infant mortality rates, although decreasing rapidly, are still high. Between 1990 and 2009, under-five mortality dropped from 125 (per 1,000 live births) to 66, and under-one mortality rate from 88 to 51.¹³⁶² The government ascribes high mortality rates to poor health habits, high fertility rates (seven births per woman), poor nutrition and, and the high incidences of diarrhoea and respiratory infections (25 per cent).¹³⁶³ The prevalence of communicable diseases also remains high, in particular malaria, tuberculosis, measles and meningitis.¹³⁶⁴

Compounding the problem is low access to health care: only forty per cent of children have access to health care, while 60 to 70 per cent of children under the age of 5 are vaccinated.¹³⁶⁵ Availability of healthcare is a challenge in a country where there is only one doctor per 10,000 people.¹³⁶⁶ A recent UNICEF study has found that wealth is a determinant factor in child survival and development in Yemen: a child born among the poorest 20 per cent of the population is three

1356-Committee on the Rights of the Child, ‘Concluding observations: Yemen’, CRC/C/15 Add.267, 21 September 2005

1357-World Bank, ‘Education: Improving access and quality of education in Yemen’, www.worldbank.org

1358-Committee on Economic, Social and Cultural Rights, ‘Second periodic report submitted by States parties under articles 16 and 17 of the Covenant Yemen’, E/C.12/YEM/2, 24 November 2009

1359-UNICEF, ‘Yemen Country Programme Document 2007-2011’, 2007, http://www.unicef.org/about/execboard/files/Yemen_final_approved_CPD_19_Jan2007.pdf

1360-Committee on Economic, Social and Cultural Rights, ‘Second periodic report submitted by States parties under articles 16 and 17 of the Covenant Yemen’, E/C.12/YEM/2, 24 November 2009

1361-US Committee for Refugee and Immigrants, ‘World Refugee Survey 2009 – Yemen’, June 2009, <http://www.unhcr.org/refworld/country,USCRI,IRQ,4a40d2b65d,0.html>

1362- UNICEF, ‘Yemen: Statistics’, http://www.unicef.org/infobycountry/yemen_statistics.html#68

Committee on Economic, Social and Cultural Rights, ‘Second periodic report submitted by States parties under articles 16 and 17 of the Covenant Yemen’, E/C.12/YEM/2, 24 November 2009

1364-European Commission, ‘Yemen - European Community Strategy Paper for the period 2007-12’, http://www.eeas.europa.eu/yemen/csp/07_13_en.pdf#013

1365-Committee on Economic, Social and Cultural Rights, ‘Second periodic report submitted by States parties under articles 16 and 17 of the Covenant Yemen’, E/C.12/YEM/2, 24 November 2009

1366-IRIN News, ‘What is blocking progress on MMR?’, 21 January 2009, <http://www.crin.org/resources/infodetail.asp?id=19411>



times more likely to die before the age of five than a child from the richest 20 per cent.¹³⁶⁷

Child malnutrition was raised as an area of concern by the Committee in its 2005 Concluding Observations.¹³⁶⁸ 46 per cent of under-fives are severely or moderately underweight, with 15 per cent of under-fives suffering from wasting, and 58 per cent suffering from stunting.¹³⁶⁹ Yemen is one of the countries with the high prevalence of under 5 years olds who are moderately or severely stunted (ranking 17).¹³⁷⁰ UNICEF has expressed its concern that decline in breastfeeding¹³⁷¹ – only 12 per cent of infants under six months are exclusively breastfed – is likely to lead to higher rates of malnutrition and death among under-5s.¹³⁷²

2.6 Status of the Right to Health

Less than half Yemen's population "have access to basic health services, a problem made all the more complicated in rural areas by widely scattered and remote geographical locations", according to the World Bank.¹³⁷³ Spending on health sector moreover is relatively low, accounting for 4 per cent of total government expenditure in 2005¹³⁷⁴, an allocation not sufficient to provide basic health care to its citizens, especially disadvantaged and vulnerable groups. A family health survey conducted in 2003 suggests that children living with disabilities have severe difficulties in accessing healthcare: findings reveal that only 22 per cent of disabled persons had access to health care, making children more vulnerable to health risks.¹³⁷⁵

A major health risk facing children is *qat* consumption. In one survey of children (aged 7-15), 87 per cent of boys and 13 per cent of girls were found to consume *qat* on social occasions.¹³⁷⁶ Although there are no comprehensive studies on the toxicological impact of *qat* consumption amongst children, it is likely that it has a severe impact on their physical and mental development.

Yemen is considered a low prevalence country with respect to HIV/AIDS with only 2,000 reported cases as of 2007, and estimates of undetected or unreported cases reaching as many as 12,000.¹³⁷⁷ There is no data concerning the prevalence of HIV and sexually transmitted infections among children. The country passed in 2010 one of the most progressive laws in the region, ensuring the protection of people living with HIV/AIDS. The law contains 51 articles that aim to reduce the stigma associated with HIV/AIDS and to enable people living with HIV/AIDS to access health care and other services. It also commits the Ministry of Health to educating people about HIV/AIDS, including modes of transmission, and to include about HIV/AIDS in Yemen's school curriculum.¹³⁷⁸

1367- UNICEF, 'Study Finds Disparities in Middle East and North Africa', 10 May 2011, <http://www.unicefusa.org/news/releases/disparities-in-middle-east.html>

1368-Committee on the Rights of the Child, 'Concluding observations: Yemen', CRC/C/15 Add.267, 21 September 2005

1369- 2003-2009 average, UNICEF, 'Yemen: Statistics', http://www.unicef.org/infobycountry/yemen_statistics.html#68

1370- UNICEF, 'Tracking Progress on Child and Maternal Nutrition', 2009

1371-Average 2005-2009, UNICEF, 'Yemen: Statistics', http://www.unicef.org/infobycountry/yemen_statistics.html#68

1372-IRIN News, 'Breastfeeding campaign urgently needed – UNICEF', 4 August 2008, <http://www.irinnews.org/Report.aspx?ReportId=79601>

1373- World Bank 'One Million of Yemen's Poorest Women and Children to Receive Health Services in Remote Areas', 22 February 2011

1374-Committee on Economic, Social and Cultural Rights, 'Second periodic report submitted by States parties under articles 16 and 17 of the Covenant Yemen', E/C.12/YEM/2, 24 November 2009

1375-Yemen National NGOs Coalition For Child Rights Care 'Third NGOs Alternative Periodic Report On the Right of the child', 2004, [www.crin.org/docs/resources/treaties/crc.39/Yemen_ngo_report\(E\).pdf](http://www.crin.org/docs/resources/treaties/crc.39/Yemen_ngo_report(E).pdf)

1376-2006 survey quoted in presentation by Julie de Guzman Vioria, QatDialogue Task, World Bank (April 11-12, 2010), http://siteresources.worldbank.org/INTYEMEN/Resources/Bank_Support_Integrated_Qat_Use.pdf

1377-Yemen Times, 'HIV and AIDS awareness low in Yemen', 20 December 2010, http://www.yementimes.com/defaultdet.aspx?SUB_ID=35261

1378- Yemen Times, 'Draft law to protect rights of HIV/AIDS patients', 6 July 2009 <http://www.yementimes.com/DefaultDET.aspx?i=1274&p=local&a=4>



2.7 Status of Child Rights under Emergencies

Although Article 149 of the Yemeni Rights of the Child Act (2002) prohibits recruitment or direct involvement of children below 18 years of age in armed conflicts¹³⁷⁹, under-age recruitment to the armed forces remains common. Despite the ceasefire and peace negotiations, 20 per cent of Al-Houthi and 15 per cent of the tribal militia affiliated with the Government, Al Jaysh Al-Sha'bi, are children.¹³⁸⁰ Human Rights Watch has also reports that it has encountered dozens of armed soldiers who appeared to be younger than 18 years old in Yemen's capital, Sana'a, since February 2011, when protesters began demonstrating against President Ali Abdullah Saleh.¹³⁸¹

While the ceasefire has resulted in the de-escalation of the conflict in north Yemen, sporadic fighting has continued, seriously undermining the access of children to health and education services. At the end of 2010, 43 per cent of schools in Sa'ada were partially or completely destroyed and unexploded ordnance and bombs were sighted in educational facilities; over 80 per cent of health-care facilities was either damaged or lost in Sa'ada.¹³⁸² A UN inter-agency child protection assessment in August 2010 found that 28 per cent of children had seen someone being killed or wounded through conflict, and that 1 in 10 displaced children had been injured as a direct result of the fighting from both sides and experienced high levels of psychosocial stress.¹³⁸³ The assessment also shows a steady increase in early marriage of internally displaced girls, with girls as young as 8 found to be married.¹³⁸⁴

Implementation of international humanitarian law to provide assistance without discrimination as well as protection of civilians affected by war has been compromised. Access by the UN and humanitarian agencies to conflict-affected populations in the Sa'ada and Al-Jawf Governorates has been problematic, with the Government frequently denying permission for access to humanitarian missions, and, when granted, Government guards refusing passage to United Nations staff and aid convoys at checkpoints on multiple occasions. Tribal groups have also stopped humanitarian missions at checkpoints.¹³⁸⁵

Despite having signed the 1951 UN Refugee Convention and the 1967 Protocol, Yemen has made no significant progress on the creation of a comprehensive national refugee and administrative structures to deal with asylum issues. In 2010, a decree was signed to establish a Bureau of Refugees, paving the way for work on legislative front.¹³⁸⁶ Respecting the 1951 UN Convention on Refugees, the Yemeni government does permit refugees the right to work, education and healthcare but refugees face obstacles in securing these rights. The Yemeni government recognises all Somalis who arrive in the country as *prima facie* refugees, meaning that they not need to undergo individual status determination to prove that they are eligible for refugee status. Non-Somalis, particularly Ethiopian asylum seekers, however are regularly deported out of the country, thereby not complying with principles

1379-Committee on Economic, Social, and Cultural Rights, 'Replies by the Government of Yemen to the list of issues (E/C.12/Q/YEM/1) to be taken up in connection with the consideration of the initial report of Yemen, concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.54)', CESCR/NONE/2003/3, 2003

1380- UN General Assembly Security Council, 'Children and armed conflict Report of the Secretary-General', General Assembly Sixty-fifth session Agenda item 64 (a) Promotion and protection of the rights of children, 23 April 2011, UN Doc A/65/820-S/2011/250

1381-Human Rights Watch, 'Yemen Stop Using Children in Armed Forces', April 14, 2011

1382-UN General Assembly Security Council 'Children and armed conflict Report of the Secretary-General', General Assembly Sixty-fifth session Agenda item 64 (a) Promotion and protection of the rights of children, 23 April 2011, UN Doc A/65/820-S/2011/250

1383-Yemen Child Protection Sub-Cluster Inter-Agency 'Comprehensive Child Protection Assessment in conflict-affected governorates in North Yemen', August 2010

1384-United Nations General Assembly Security Council 'Children and armed conflict Report of the Secretary-General', General Assembly Sixty-fifth session Agenda item 64 (a) Promotion and protection of the rights of children, 23 April 2011, UN Doc A/65/820-S/2011/250

1385-*Ibid.*

1386-UNHCR '2011 UNHCR country operations profile – Yemen', <http://www.unhcr.org/pages/49e486ba6.html>



of non-refoulement.¹³⁸⁷ Yemeni government has repeatedly stressed its opposition to local integration, with Somalis with over 20 years' documented residence failing in attempts to apply for Yemeni citizenship.¹³⁸⁸

3. Stakeholder Analysis

3.1 Government Structures

The Higher Council for Motherhood and Childhood (HCMC) was established in 1999 to coordinate all legislative and strategic activities related to the implementation and monitoring of the Convention. The HCMC, headed by the Prime Minister, includes government representatives as well as civil society organisations (CSOs) selected by the Council of Ministers. In its 2009 review of Yemen's periodic report on the implementation of the OPSC, the Committee noted that while the HCMC is responsible for the overall coordination of the implementation of the Optional Protocol, it has "neither the technical, human and financial resources, nor the mandate to fulfil its responsibilities and to guarantee the effective coordination of different entities involved in the implementation".¹³⁸⁹

The National Steering Committee to Combat Child Labour, composed of representatives from the Ministry of Social Affairs and Labour, the Higher Council for Motherhood and Childhood (HCMC), the Chamber of Commerce, the International Labour Organisation (ILO), and local non-governmental organisations (NGOs) is responsible for coordinating all child labour issues. However, the Committee meets irregularly: in October 2009, the Committee met for the first time in two years.¹³⁹⁰

3.2 Civil Society

There are over 70 non-government organisations (NGOs) working on child rights and childhood projects in Yemen, including organisations such as the SOUL Foundation for Women and children development, Sisters Arab Forum, Democracy School, the Alsaleh Social Foundation for Development, the Shawthab Foundation for Childhood and Development and Seyaj Organisation for Childhood Protection. There are also networks and coalitions, including the Yemen National NGO Coalition for Child Rights Care, established in 1995 and composed of 34 NGOs and the National Network for Child Protection which includes government representatives and works to protect children from violence inside and outside the house. Successful cases of lobbying by networks have been noted. The National Network for Child Protection for example has involved the Ministry of Education in investigative visits to schools to assess violence against school, and as a result of this initiative, the Network managed to extract a decree from the Deputy Minister of Education to develop a plan to meet the Network's recommendations on addressing violence in schools.¹³⁹¹

International organisations such as the German Technical Cooperation (GTZ), the German Development Service (DED), the International Centre for Migration and Development (CIM), and Marie Stopes International, have been working on reproductive health rights of youth in Yemen. The World Bank also launched in 2011 a \$35 million Yemen Health and Population Project to deliver maternal, neonatal, and child health services to disadvantaged districts.¹³⁹²

1387-Human Rights Watch, 'Hostile Shores, December 2009', <http://www.hrw.org/es/node/87224/section/6>

1388-Tim Morris, 'Urban Somali refugees in Yemen', undated <http://www.fmreview.org/urban-displacement/FMR34/36-38.pdf>

1389- Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography Concluding observations: Yemen', CRC/C/OPSC/YEM/CO/1,13 October 2009

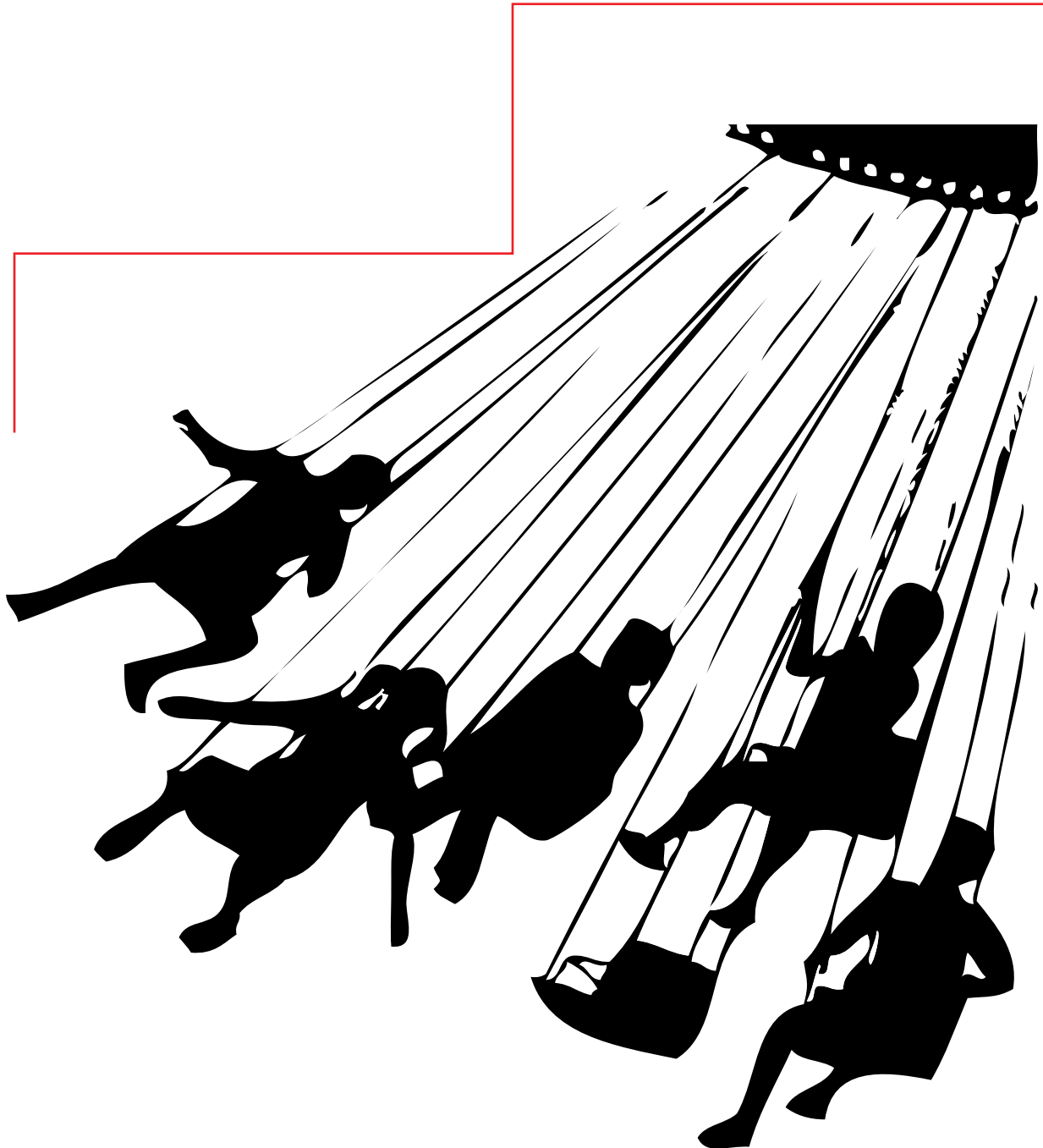
1390-US Department for Labour, 'Country Profile Yemen Findings on the Worst Forms of Child Labor', 2009

1391- Save the Children Sweden and IBCR, 'Violence Against Children in Schools: A Regional Analysis of Lebanon, Morocco and Yemen', advanced unedited version, 2011

1392-World Bank 'One Million of Yemen's Poorest Women and Children to Receive Health Services in Remote Areas', 22



A Children's Parliament has been set up in Yemen, with support of the Democracy School and Save the Children Sweden, and supported by the HCMC. The Children's Parliament, with technical support from its partners, prepared a shadow report on the situation of children in Yemen in 2008, and has been active in advocating against exploitive child labour and child trafficking. Save the Children Sweden is also promoting children rights in the fields of child protection, education, health and emergency response.



Concluding Remarks and Way Forward

An array of legislative, policy, and institutional measures are being designed or implemented across the Middle East and North Africa (MENA) region to promote and protect the rights of children as enshrined in the United Nations Convention on the Rights of the Child (Convention), its two Optional Protocols to the Convention on the Sale of Children, Child Prostitution and Child Pornography (OPSC) and on the Involvement of Children in Armed Conflicts (OPAC). In all the MENA countries, national action plans and strategies are being developed to promote child rights, with specific plans for example on juvenile justice reforms, child labour, and trafficking. Regional bodies, namely the League of Arab States, the African Union, and the Organisation of Islamic Conference are also increasingly placing child rights on their agenda.

The impact of these actions on the promotion and protection of children's rights should not be underestimated. As parties to the Convention, United Nations (UN) human rights conventions, and regional treaties, states have assumed the obligation to respect, protect, and fulfil the rights of children, including their right to protection, education, survival and development, and health. The agenda for child rights fulfilment however is far from complete and countless children in the region suffer from rights violation.

Across the region, state parties, with support from international organisations and civil society organisations, need to expend efforts to address structural and organisational means to achieve children's rights. This includes enhancing coordination between government departments, including at national and sub-national levels, and between relevant government and non-governmental actors, building institutional capacity on developing and monitoring child friendly budgets, putting in place mechanisms to ensure child participation, and ensuring codes of conduct and accountability mechanisms are put in place for state institutions, particularly juvenile detention centres and care institutions, to respect established standards and procedures.

All the countries, as per the recommendations of the Committee, need to develop more systematic collection of disaggregated data children in need of protection, such as those who are victims of abuse, trafficking, or ill-treatment, children with no residence permit, children in conflict with the law, children born out of wedlock, abandoned children, institutionalised children and those living with disabilities. Reporting and monitoring mechanisms moreover need to be considerably strengthened to be able to effectively evaluate the effectiveness and impact of national and regional level plans, for example the Arab League's 2004-2014 Second Arab Childhood Plan for Childhood and the recently issued Marrakesh Declaration.

Increasing incidences of political turmoil and conflict across the region as well as growing concerns over the increased frequency of natural disasters, due to climate variability and change, highlights that comprehensive child protection systems under emergencies need to be better developed. Across the region, state parties need to better meet their obligations under the Convention and international humanitarian law, and to take all necessary steps to protect children from the direct and indirect effects of armed conflicts. Policy, institutional, and legislative environment need to better reflect the needs of children living in emergency situations, and the right to quality education and healthcare need to be integrated in all emergency and response plans, and child participation needs to be incorporated into national disaster strategies. With support from United Nations agencies, particularly United Nations Refugee Agency (UNHCR) need to develop comprehensive national refugee and asylum seeking legislation and procedures, in line with international standards, as the lack of legal status remains one of the main protection challenge for refugees in the region.

The challenge for governments across the region is to build on the progress achieved, working together with civil society organisations, including child groups, international, regional, and national agencies and media, to reach out to those children and adolescents who are still being denied their rights to protection, education, survival and development, and health. Strategies to promote



child rights also need to be inserted into wider poverty reduction policies and programmes. More specifically, to ensure equitable access of children to educational and health services, and to ensure that the countries are able to meet or even exceed child-related Millennium Development Goals (MDGs) more must be done by policymakers to address geographical disparities and wealth inequalities. Indeed, reports by the UN and the World Bank indicate a strong correlation between wealth inequalities and differential child health and educational outcomes.

Governments also need to also considerably improve legislative and institutional environment facing civil society organisations (CSOs), to enable improved civil society engagement in the delivery of social services and social action, and in influencing public policy in favour of child rights fulfilment. In the aftermath of the Arab Spring, countries that are embracing new forms of government have an opportunity to put in place political reforms that favour accountability and civic engagement.

Many of the CSOs, with support from international non-government organisations (INGOs) and UN agencies, also have space to improve their performance and their accountability to children. CSOs can become more effective in supporting social development and rights realisation through: listening and transmitting the voices of their constituencies, delivering work of a high quality to professional standards, which meets the real needs of intended beneficiaries, moving beyond charitable works to include more sustainable development and policy influencing work, based on solid evidence. CSOs can become more active in advocacy initiatives such as the production of policy papers and position statements on child rights, monitoring the implementation of relevant government plans and budget allocations, in order to pressure relevant duty bearers to ensure that the Convention principles and provisions are respected in law and practice.

Finally, the understanding of children as rights holders in the MENA region is still at nascent stage, and this perception severely impedes children's participation in the public sphere and their ability to have their voices heard in decision making at the family, community and national political levels. There is untapped potential to expand opportunities for children and adolescents to participate and voice their opinion, through for example, child parliaments, youth councils or forums, community organisations, online activism and other forms of social digital media which would enable their voices to be heard.



Annexes

Annex 1: Ratification Status of the Convention on the Rights of the Child and Optional Protocols

Country	Convention		OPAC		OPSC	
	Signature	Ratification	Signature	Ratification	Signature	Ratification
Algeria	26-Jan-90	16-Apr-93	-	6 May 09 a	-	27 Dec 06 a
Bahrain	-	13 Feb 92 a	-	21 Sep 04 a	-	21 Sep 04 a
Egypt	5-Feb-90	6-Jul-90	-	6 Feb 07 a	-	12 Jul 02 a
Iraq	-	15 Jun 94 a	-	24 Jun 08 a	-	24 Jun 08 a
Jordan	29-Aug-90	24-May-91	6-Sep-00	23-May-07	6-Sep-00	4-Dec-06
Kuwait	7-Jun-90	21-Oct-91	-	26 Aug 04 a	-	26 Aug 04 a
Lebanon	26-Jan-90	14-May-91	11-Feb-02	-	10-Oct-01	8-Nov-04
Libya	-	15 Apr 93 a	-	29 Oct 04 a	-	18 Jun 04 a
Morocco	26-Jan-90	21-Jun-93	8-Sep-00	22-May-02	8-Sep-00	2-Oct-01
Oman	-	9 Dec 96 a	-	17 Sep 04 a	-	17 Sep 04 a
Qatar	8-Dec-92	3-Apr-95	-	25 Jul 02 a	-	14 Dec 01 a
Saudi Arabia	-	26 Jan 96 a	-	10 Jun 11 a	-	18 Aug 10 a
Syria	18-Sep-90	15-Jul-93	-	17 Oct 03 a	-	15 May 03 a
Tunisia	26-Feb-90	30-Jan-92	22-Apr-02	2-Jan-03	22-Apr-02	13-Sep-02
United Arab Emirates	-	3 Jan 97 a	-	-	-	-
Yemen	13-Feb-90	1-May-91	-	2 Mar 07 a	-	15 Dec 04 a



Annex 2: Demographic Profile of Middle East and North African Countries, 2009, in thousands

<i>In thousands</i>	Total Population	Population under 18	Population under 5
Algeria	34895	11667	3383
Bahrain	791	251	70
Egypt	82999	31695	9559
Iraq	30747	14672	4491
Jordan	6316	2582	765
Kuwait	2985	817	254
Lebanon	4224	1303	322
Libyan Arab Jamahiriya	6420	2258	709
Morocco	31993	10997	3079
Occupied Palestinian Territory	4277	2204	708
Oman	2845	1067	297
Qatar	1409	272	83
Saudi Arabia	25721	9874	2864
Syrian Arab Republic	21906	9001	2868
Tunisia	10272	2961	788
United Arab Emirates	4599	1019	307
Yemen	23580	12062	3829
<i>Demographic Profile from UNICEF country websites</i>			



Annex 2: Ratification Status of the Convention on the Rights of the Child and its Optional Protocols

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Algeria	26-Jan-90	16-Apr-93	-	6 May 09 a	-	27 Dec 06 a
Bahrain	-	13 Feb 92 a	-	21 Sep 04 a	-	21 Sep 04 a
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Lebanon	26-Jan-90	14-May-91	11-Feb-02	-	10-Oct-01	8-Nov-04
Libya	-	15 Apr 93 a	-	29 Oct 04 a	-	18 Jun 04 a
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Oman	-	9 Dec 96 a	-	17 Sep 04 a	-	17 Sep 04 a
Qatar	8-Dec-92	3-Apr-95	-	25 Jul 02 a	-	14 Dec 01 a
Saudi Arabia	-	26 Jan 96 a	-	10 Jun 11 a	-	18 Aug 10 a
Syria	18-Sep-90	15-Jul-93	-	17 Oct 03 a	-	15 May 03 a
Tunisia	26-Feb-90	30-Jan-92	22-Apr-02	2-Jan-03	22-Apr-02	13-Sep-02
United Arab Emirates	-	3 Jan 97 a	-	-	-	-
Yemen	13-Feb-90	1-May-91	-	2 Mar 07 a	-	15 Dec 04 a



Annex 3: Corporal Punishment in Schools, Legislative Overview

Country	Corporal Punishment in Schools
Algeria	Prohibited in Law No. 08-04 (2008)
Bahrain	Prohibited in Code of School Discipline (1992)
Egypt	Ministerial directive states corporal punishment should not be used but no prohibition in law
Iraq	Reportedly prohibited in regulations, but Penal Code confirms right to discipline
Jordan	Prohibited in School Discipline Regulation, Instruction No. 4 on School Discipline (1981)
Kuwait	<i>Prohibiting legislation unidentified</i>
Lebanon	Lawful under Penal Code; Ministerial guidance but not against in law
Libyan Arab Jamahiriya	Prohibited in School Discipline Ordinance for Schools, Regulations concerning Primary and Preparatory (Basic) Education, Regulations, concerning Secondary (Intermediate) Education, (1979) and Regulation concerning Student Discipline (1983)
Morocco	Ministerial direction advises against corporal punishment, but no prohibition in law
occupied Palestinian territory	Prohibited in UNRWA schools and in East Jerusalem; in public schools, Ministerial direction advises against corporal punishment, but no prohibition in law
Oman	Prohibited in Organisational Statutes of the General Education Schools
Qatar	Ministerial Decree states corporal punishment should not be used, but no explicit prohibition in law
Saudi Arabia	Ministerial circulars advise against corporal punishment but no prohibition in law
Syria	Lawful under Penal Code; Ministry of Education advises against corporal punishment but no prohibition in law
Tunisia	Banned in all settings
United Arab Emirates	Prohibited in Ministerial Decision No. 454 (1998), but no explicit prohibition in private schools
Yemen	Prohibited in Regulations governing School Punishment (2001)

Global Initiative to End All Corporal Punishment of Children, Prohibiting all corporal punishment in schools: Global Report 2011



Annex 4: International Labour Organisation (ILO) Ratification Dates of Child Related Conventions

Country	Convention N. 138 Convention on Minimum Age of Admission to Employment	Convention N. 182 Worst Forms of Child Labour Convention).
Algeria	30.04.1984	09.02.2001
Bahrain	---	23.03.2001
Egypt	09.06.1999	06.05.2002
Iraq	13.02.1985	09.07.2001
Jordan	23.03.1998	20.04.2000
Lebanon	10.06.2003	11.09.2001
Libya	19.06.1975	04.10.2000
Morocco	06.01.2000	26.01.2001
Oman	21.07.2005	11.06.2001
Qatar	03.01.2006	30.05.2000
Saudi Arabia	---	08.10.2001
Syria	18.09.2001	22.05.2003
Tunisia	19.10.1995	28.02.2000
UAE	02.10.1998	28.06.2001
Yemen	15.06.2000	15.06.2000



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