

# Child Rights Situation Analysis

for Middle East and  
North Africa Region



**Save the Children**  
Sweden

# **Child Rights Situation Analysis For MENA Region**

**Save the Children Sweden  
MENA Regional Office**

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## Forward

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' Declaration on 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 emphasizes 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 Analysis (CRSA) on a periodic basis. To this we, at the MENA regional office, have conducted a regional CRSA in order to explore the violations of child rights that exist in the MENA region.

This study is a one-month desk review and which after reading you will notice that it sheds light on important issues and at the same time you will notice gaps that exist and which could not be covered in a one-month desk review. But it is a basis to further explore the child rights violations and fill in the gaps.

To respond to these gaps Save the Children Sweden will be starting during 2009 a regional CRC project covering the 17 countries of the MENA region; a project that aims at strengthening civil society organizations in the region. The project will give civil society organizations in the region the tools to identify gaps, to report on child rights violations and to take action in terms of raising awareness and advocating for the fulfillment of these rights.

Special thanks go to the consultant, Yara Abdul-Hamid, who did the desk review, and the regional team that have contributed in providing material and input in the drafting and the finalization of this study.

Regional Representative  
Sanna Johnson

## List of Acronyms and Abbreviations

ACCD	Arab Council for Children and Development
ACHR	Arab Charter on Human Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AGFUND	Arab Gulf Fund for United Nations Development Organizations
AIHR	Arab Institute for Human Rights
ALESCO	Arab League Educational, Cultural, and Scientific Organization
ARC	Arab Resource Collective
AU	African Union
CPI	Child Protection Initiative
CRC	Convention on the Rights of the Child
CSO/CSOs	Civil Society Organization/Civil Society Organizations
ERW	Landmines and explosive remnants of war
EU	European Union
FGM	Female Genital Mutilation
GCC	Gulf Cooperation Council (also known as the CCASG: Cooperation Council for the Arab States of the Gulf)
HIV/AIDS	Human immunodeficiency virus/ Acquired immunodeficiency syndrome
HRW	Human Rights Watch
IBCR	International Bureau for Children's Rights
ICRC	International Committee of the Red Cross
ILO	International Labor Organization
INTRAC	International NGO and Training Centre
ISESCO	Islamic, Educational, Scientific and Cultural Organization
LAS	League of Arab States
NGO/NGOs	Non-Governmental Organization/ Non-Governmental Organizations
OAU	Organization of African Unity
OIC	Organization of the Islamic Conference
OMCT	World Organization Against Torture/ Organisation Mondiale Contre la Torture
MENA	Middle East and North Africa
NCCI	NGO Coordination Committee in Iraq
OPT/oPt	Occupied Palestinian Territories
SCS	Save the Children – Sweden
SCUK	Save the Children – United Kingdom
SCUS	Save the Children – United States
SIDA	Swedish International Development Cooperation Agency

UAE	United Arab Emirates
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Fund
UNESCO	United Nations Economic, Social and Cultural Organization
UNHCR Refugees	UN Refugee Agency/ Office of the UN High Commissioner for
UNICEF	United Nations Children's Fund
UNOHCR	Office of the United Nations High Commissioner for Human Rights
UNRWA East	United Nations Relief and Works Agency for Palestine Refugees in the Near
UNVAC	United Nations Study on Violence Against Children



## **Executive Summary**

Despite initiatives at the level of countries as well as regional bodies on working for the welfare of children through strengthening existing instruments or producing new ones the situation of the rights of children in the MENA region is still in need to be improved in a number of areas.

All the states in the Middle East and North Africa (MENA) region have ratified the United Nations Convention on the Rights of the Child (CRC). Following the ratification of the CRC, MENA countries have enacted or propose to enact laws to protect children from violence, abuse, neglect or exploitation. A number of countries have put in place comprehensive Child Laws that bring together legal provisions for the protection of the child.

In countries where no comprehensive child law has been introduced, specific laws have been adopted or amended to better promote child protection. While welcoming these legislative reforms, the Committee on the Rights of the Child has consistently recommended MENA 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 principles and provisions of the CRC, through enacting new legislations and or amending existing ones.

In addition, despite progress in the legislative and programmatic fronts – with many of the governments of MENA countries working with civil society groups, international NGOs, regional bodies, donors and United Nations agencies to better protect children – child protection remains a serious issue every country of the region. The nature and extent of child protection issues varies country to country, and includes issues such as violence against children – whether at homes, schools or institutional settings – harmful practices, particularly female genital mutilation and early marriage, juvenile justice, exploitative child labour and birth registration. Children in Algeria, Iraq and the Occupied Palestinian Territories have been exposed to political violence and conflicts, and in Western Sahara have been affected by the deteriorating humanitarian situation.

Free basic education is guaranteed by law in all the countries of the Middle East and North African (MENA) region (except for Oman). A number of countries have even enacted penalties for guardians who do not enroll children of compulsory school age. However, compulsory education is generally not enforced across the region, and there are few effective measures to prevent student absences.

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 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, recognises that 'every child shall have the right to an 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 is limited to child citizens.

As a result of certain policies and practices in some countries of the MENA there are groups of children that do not have access to education, based on their nationality or their citizenship/residency status (e.g. children of stateless persons, refugees, internally displaced persons and migrant families), geographic location (e.g. rural areas), economic situation (low income families), physical or other disability, minority groups, etc....

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 similar level of per capita income. However, most of the MENA countries are spending more per pupil in secondary than primary education and, to a greater extent in tertiary than secondary education. This pattern of resource allocation favours children in families of higher income group, who are likely to send their children to university, notes the World Bank.

Arab States have made significant progress towards universal primary education, with the average net enrolment ratio continuing to rise, from nearly 79 per cent in 1999 to 83 per cent in 2005. However, these rates may be inflated due to low birth registration rates in rural areas. In addition, it is important to highlight that attendance rates are significantly lower than enrolment rates in many countries. Despite improvements in access to primary education, the number of out-of-school children remains high. More than 6 million children in the region were out of school in 2005, with almost half of the children, mainly girls, located in Iraq, Morocco, Saudi Arabia and Yemen.

Despite significant government spending and the advances in access to education, the average level of education youth receive is still lower in the MENA region than other developing countries with a similar level of per capita income. School progression and retention rates show a disturbing trend in many of the MENA countries with high drop-out and absenteeism at the secondary level. This has been attributed to poverty, economic necessity to find employment and low quality of education.

With the exception of Iraq, Morocco and Yemen, the MENA region is largely on track to achieving the Millennium Development Goal of achieving gender parity in access to primary education by 2015. The UN also states that gender disparities concern not only access to school but also participation in learning process; in nearly all MENA countries with data, boys repeat more than girls, showing that once girls have access to school, they do as well or better than boys. Overall though, strong gender disparities persist - three out of five children not enrolled in primary school in the region in 2005 were girls. Girls who have little schooling generally come from low-income communities and tend to marry early and begin childbearing at a young age. UNICEF has also noted its concerns that education systems in the region largely reproduces and reinforces the wider social discrimination and economic/political disparities experienced by girls and women in many countries of the region.

There is a need to improve the quality of education in the region. Education methods tend to focus on learning by rote education rather than on developing critical thinking, analytical and participation skills. Also, in a number of countries in the region, there is a mismatch between the education system and the labour market. Also, quantity and quality of school infrastructure are poor (lacking facilities for sports activities, play and for children with disabilities and special needs), classrooms are too few in numbers and educational materials are inadequate.

In the late 1990s, several MENA countries adopted pedagogical reforms (student centered learning, competency-based curricula, and focus on critical thinking). However, despite these efforts, there is little evidence of a significant shift away from a traditional model of teaching.

The Committee on the Rights of the Child has also reiterated its serious concerns regarding the quality of education in the Middle East and North Africa region. The Committee has recommended reforms of curriculum and teaching methodology, with more emphasis on critical thinking, child-centered teaching methods and human rights education.

The legal and regulatory framework for civil society organisations impacts directly upon their capacity to deliver social services, to conduct efficient social action or to influence public policy. Within the Arab region, government's attitudes to civil society vary considerably, with a wide diversity of laws and practices throughout the region.

In most of the states of the Arab region, freedom of association remains the exception rather than the rule, and many of the countries have detained or arrested vocal human rights defenders and activists. Establishing a CSO requires a permit by the relevant ministry, and going through lengthy administrative and security clearance processes. Decisions of the administrative authority remain often discretionary and not open to judiciary recourse.

CSOs in the Arab region stress the need for eliminating all legislative, administrative and security restrictions imposed on the establishment and management of NGOs, syndicates and trade unions, political parties and mass communication media. They also call for the free flow of information and freedoms of expression, belief and assembly as well as legislation in accordance with international standards.

NGOs in the Arab region encounter an array of obstacles in fulfilling their role as co-responsible parties. The legislative environment remains restrictive in many of the countries. Freedom of association and assembly in most countries remains severely limited, with NGOs having to apply for permission to register and to hold meetings, which are often arbitrarily refused. In addition to the often inhibiting legal and regulatory frameworks and the restrictions imposed by governments, Arab NGOs are also limited in a number of cases by internal factors which hinder their impact, including: weak internal governance and organisational structures; precarious, conditional or donor-driven funding; organisational fragmentation and ideological polarisations; weak internal organisation and external linkages.

The Committee on the Rights of the Child is consistently recommending to Arab governments to engage civil society more in the monitoring and implementation of the UN Convention on the Rights of the Child (UNCRC). Moreover it is recommending the need to strengthen coordination and cooperation among government structures and civil society, with the participation of youth and children, in order to enhance implementation of child rights obligations has been reiterated across the Arab region.

In recent years, an increasing number of civil society organisations (CSOs) in the region have become engaged in the follow up of the CRC at the regional level, by coordinating and networking among member countries, sharing information on reporting mechanisms, and by organising regional training workshops. But still their number and influence is small and varies from country to country.

## **Section I: Child Rights Situation Analysis at Country Level**

Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait,  
Libya, Morocco (including Western Sahara),  
Oman, Qatar, Saudi Arabia, Syria,  
Tunisia, and United Arab Emirates.

## **Chapter 1: Algeria**

### **1. Context**

#### **1.1 Background**

The People's Democratic Republic of Algeria has undergone turbulent changes since it gained independence in 1962. The economy grew rapidly, at an average of 6 per cent a year from 1970 to 1985. However, the 1983 oil crisis led to an immediate and dramatic fall in economic growth to a mere 1.6 per cent.<sup>1</sup> Combined with the social impact resulting from economic reforms implemented by the government in the late 1980s, the oil crisis exacerbated vulnerability and poverty, fuelling internal hostilities and political violence.

The civil conflict of 1992 to 2003 claimed the lives of over 150,000 Algerians, led to severe human rights violations, and traumatised many children.<sup>2</sup> In 1994-1995, in the midst of civil conflict, efforts at economic reforms, particularly structural adjustment programmes, were resumed and intensified, leading to intense social and economic challenges.<sup>3</sup> Natural catastrophes, such as floods in 2001 and earthquake in 2003, have also given rise to a growing number of economic and social difficulties. Algeria has tense relations with its neighbour Morocco over the issue of Western Sahara and its support to the exiled Sahrawi Popular Front for the Liberation of the Saguia al-Hamra and Rio de Oro (the Polisario Front).

Multiparty democracy was introduced in 1989. The first multiparty presidential election was held on 16 November 1995, and an early presidential election was held on 15 April 1999. In recent years, the human right situation has improved significantly. In September 2005, voters approved by referendum President Bouteflika's Charter for Peace and National Reconciliation. However, the population, especially children, remain vulnerable within the context of political violence by armed groups, and human rights violations, including harassment of human rights defenders and discrimination and violence against women and girls, persist, reports Amnesty International.<sup>4</sup>

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<sup>1</sup> "Algeria Country Assistance Strategy", Report No. 25828-AL, World Bank, 30 June 2003

<sup>2</sup> For more background information see "Algeria Guide", One World.Net, March 2008, <http://uk.oneworld.net/guides/algeria/development>

<sup>3</sup> For example, to stimulate private sector growth, state enterprises were closed, leading to lay-offs of nearly half a million workers between 1995 and 1997 See website of Permanent Mission of Algeria to the UN, <http://www.algeria-un.org/reform.asp>

<sup>4</sup> "Algeria: Submission to the UN Universal Periodic Review", First session of the UPR Working Group, 7-11 April 2008, Amnesty International, 2008

According to the government, Algeria accommodates about 165,000 Sahrawi refugees, 80 per cent of which are women and children.<sup>5</sup> Sahrawi refugees have been living in extreme vulnerability in Tindouf, a remote border region characterised by isolation and a high level of exposure to natural disasters, such as the droughts and floods of 2006. The population are registered as refugees with the UN Refugee Agency (UNHCR), and receive humanitarian assistance, albeit at insufficient levels.

Despite these manifold challenges, the country has made important strides in recent years in improving human development indicators, with significant reductions in under-five child mortality rates for example.<sup>6</sup> Except for maternal mortality, Algeria is projected to meet all Millennium Development Goals by 2015. However, social problems, particularly high unemployment rates and acute housing shortages, persist and an estimated 3.7 million, out of a total population of 33 million, continue to live in poverty.<sup>7</sup>

To improve social development, Algeria has increased national expenditure on health care, education and support programmes for families and child protection. The Committee on the Rights of the Child remains concerned that allocated resources are still inadequate, in particular for the most vulnerable children.<sup>8</sup> Systematic analysis of the effects of budgetary allocations on the realisation of the rights of the child needs to be carried out.<sup>9</sup>

### 1.2 Society and culture in regards to children

An estimated 12 million are under the age of 18. '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.<sup>10</sup> The culture of violence engendered by the civil conflict has contributed to instances of domestic violence against children.

Approximately 25 per cent of the Algerian population are Amazight-speaking Berber minorities, and despite some improvements in recent years, grievances about recognition of their distinct language and cultural rights remain.<sup>11</sup> In 2005, the Committee on the Rights of the Child expressed its concerns that existing laws and policies do not adequately preserve and promote the Amazigh identity of children, including their right to use their own language.<sup>12</sup>

There are also concerns that foster children and children born out of wedlock do not seem to enjoy the same rights as 'legitimate' children.<sup>13</sup> Available data indicates that in 1999, there were 7,849 boys and girls that were cared for by institutions, placed in fostering homes, or cared by community

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<sup>5</sup> UNHCR reports a lower figure of 90,000. In "Algeria Country UNHCR Global Report 2006", United Nations High Commissioner for Refugees, June 2007

<sup>6</sup> Under-five mortality rate fell from 69 in 1990 to 38 in 2006: "Country Statistics at a Glance", UNICEF, available at [http://www.unicef.org/infobycountry/algeria\\_statistics.html](http://www.unicef.org/infobycountry/algeria_statistics.html).

<sup>7</sup> "Algeria Country Brief", World Bank, September 2007

<sup>8</sup> "Concluding Observations of the Committee on the Rights of the Child: Algeria", UN Convention on the Rights of the Child, Committee on the Rights of the Child, 40<sup>th</sup> Session, CRC/C/15/Add.269, 12 October 2005

<sup>9</sup> Summary Record of the 1056th Meeting", Committee on the Rights of the Children, 23 September 2005, Geneva

<sup>10</sup> "Making Children's Rights Work in North Africa", International Bureau for Children's Rights, August 2007

<sup>11</sup> "Africa, State of the Worlds' Minorities", Minority Rights, March 2008

<sup>12</sup> "Concluding Observations of the Committee on the Rights of the Child, 2005, Op. Cit

<sup>13</sup> Summary Record of the 1056th Meeting, Op. Cit

services throughout the country providing assistance and support to children in a difficult relationship with their parents.<sup>14</sup> Terre des Hommes estimates that largely due to social stigma attached to single motherhood, an estimated 1,600 newborn are abandoned each year by their mothers.<sup>15</sup> The registration of children born out of wedlock is also an issue of concern in light of the social stigma associated with these births.<sup>16</sup> There is also widespread societal discrimination against children with disabilities, despite largely favourable legal environment (the law provides free medical care for persons with disabilities, especially children, for example). An estimated 2.5 per cent of children under the age of 15 have a disability, the majority of which face discrimination and marginalisation.<sup>17</sup>

## **2. Status of the Rights of the Child<sup>18</sup>**

The UN Convention on the Rights of the Child (CRC) was signed by Algeria on 26 January 1990 and entered into force on 16 May 1993. At the time of the ratification of the CRC, Algeria expressed reservations and interpretive declarations on Article 14 (children's freedom of conscience and religion), Article 13 (freedom of expression), Article 16 (right to privacy) and Article 17 (access to information). In 2006, Algeria ratified the Optional Protocols on the CRC on the Involvement of Children in Armed Conflicts and on the Sale of Children, Child Prostitution and Child Pornography.<sup>19</sup>

Algeria also signed the African Charter on Human and Peoples' Rights on 10 April 1984 and ratified it on 1 March 1987. In 2003, it signed the Protocol establishing the African Court on Human and People's rights and the African Charter on the Rights and Welfare of the Child, and in 2004, the country also signed the African Commission on Human and Peoples' Rights' Resolution on the Situation of Women and Children in Africa.<sup>20</sup>

Algeria submitted its initial report to the Committee on the Rights of the Child on 16 November 1995 and its second periodic report on 16 December 2003. In 1997, the World Organisation against Torture (OMCT) submitted a report to the Committee on the Rights of the Child containing observations on the application of the CRC by Algeria. 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 the Rights of the Child on 8 June 2005.<sup>21</sup> Algeria is due to submit its combined third and fourth reports on 15 May 2010. The initial reports under the Protocols have not yet been submitted.

The UN Committee on the Rights of the Child issued Concluding Observations on 18 June 1997 and on 12 October 2005. The Committee noted with appreciation the establishment of new institutions aimed at protecting and promoting the rights of the child, such as the Office of the Head of

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<sup>14</sup> "Consideration of reports submitted by state parties under article 44 of the Convention: Second periodic reports of States parties due in 2000", CRC/C/93/Add.7, 3 March 2005

<sup>15</sup> For more information see: Algeria: Terre des Hommes <http://www.tdh.ch/website/tdhch.nsf/0/algeriaE>

<sup>16</sup> "Making Children's Rights Work in North Africa", International Bureau for Children's Rights, August 2007

<sup>17</sup> Idem

<sup>18</sup> Information on the status of CRC ratification and reporting is from the United Nations Office of the High Commissioner for Human Rights website: <http://www.ohchr.org/EN/countries/MENARRegion/Pages/DZIndex.aspx>

<sup>19</sup> This is not confirmed by the UN OHCHR website.

<sup>20</sup> See "African Charter on Human and Peoples' Rights Third and fourth periodic reports", Peoples' Democratic Republic of Algeria, August 2006

<sup>21</sup> "Les Droits de l'Enfant en Algérie: Rapport Alternatif", Submission to the 40<sup>th</sup> Session of the UN Committee of the Rights of the Child, Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme, 8 June 2005



Government's Deputy Minister for the Family and the Status of Women to protect and advance the rights of children, in 2002, and the National Commission to Combat Child Labour, in 2003. It also welcomed legislative reforms to enhance child protection, in particular the bill on child protection. However, it noted with concern *'the unclear legal framework in the field of children's rights; non-discrimination, ill-treatment and abuse of children within the family; limited respect for the view of children; employment of minors in the private and agricultural sectors; and the status of nomadic and refugee children which have not been sufficiently addressed'*.<sup>22</sup>

The Committee proposed the following recommendations:

- Undertake a comprehensive review of domestic legislation to ensure that it conforms fully to the provisions of the CRC, and expedite the adoption of the bill on child protection.
- Strengthen coordination among government bodies at national and local levels, with a view to developing a comprehensive national plan of action for the implementation of the CRC.
- Establish an independent and child-sensitive monitoring structure with a mandate that includes the power to receive and address individual complaints of alleged violations of the rights of the child.
- Increase national expenditure on health care, education, support programmes for families and child protection, in particular for the most vulnerable children.
- Strengthen mechanisms to collect, analyse and disaggregate statistical data on children and adolescents.
- Strengthen involvement of civil society in the State party's implementation of the CRC.
- Enhance awareness of the CRC among children, parents, and professionals working with and for children.

### **3. Status of the Right to Protection**

Algeria has introduced a Bill on Child Protection (Code de Protection de l'Enfant), which aims to establish a mechanism for protecting children against all forms of violence, ill-treatment, abuse and negligence. The bill is divided in six themes: generalities, protection of endangered children, delinquent children, protection of children placed in institutions, penal measures and final measures. It is said that this code would compile, update and harmonise all the laws pertaining to the protection and promotion of children's rights as recommended by the CRC.<sup>23</sup> More information is needed on budget allocation to government programmes and measures to protection children from violence, abuse and exploitation.

Specific child rights provisions in Algerian law related to protection:<sup>24</sup>

- The right to life, and physical and moral integrity - Under Algerian law, capital punishment is not applicable to minors aged 13 – 18. Article 50 of the Criminal Code provides that 'should it be decided that a minor aged between 13 to 18 years must be given a criminal sentence, the

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<sup>22</sup> Committee on the Rights of the Child, Op.Cit

<sup>23</sup> "UNICEF Inputs: Algeria, Submission to the UN Universal Periodic Review", UNICEF, 2008

<sup>24</sup> "Algeria: Briefing on Child Rights in 3rd and 4th State Party Report to the African Commission", People's Democratic Republic of Algeria, August 2006

penalties shall be handed down as follows: if the penalty is death or life imprisonment, he shall be sentenced to 10 to 20 years imprisonment’.

- Article 456 of the Criminal Procedure Code provides that ‘an offender who is not over 13 years of age may not, even temporarily, be held in a penal institution. An offender aged 13 to 18 may not be held temporarily in a penal institution unless the measure appears to be absolutely necessary or no other arrangements can be made. In such a case, the minor shall be held in special quarters or, alternatively, in an area where he will as much as possible be in isolation at night’.
- Article 65 of the Constitution specifies that ‘the law sanction the duty of parents to ensure the education and protection of their children’. Any fault or negligence committed by parents with respect to their duty to protect their children is addressed by the Criminal Code in its articles 330 to 332 on family neglect.
- The Family Code stipulates that no child may be separated from its family or parents except by judicial decision. Article one of order no 72-03 of 10 February 1972 regarding the protection of the child and adolescent provides that ‘minors aged [under] 21 whose health, security, morality or education are compromised or whose living conditions or behaviour are likely to affect their future may be the subject of protective measures and educational assistance’.<sup>25</sup>
- Children put up for *kafala* (adoption) enjoy the same benefits as “legitimate children”. This system is complemented by family allowances to salaried workers with children, financed by the state, mutual benefit societies and company benefit schemes.
- Under the labour code, the minimum age for employment is 16, except for apprentice positions. In order to be an apprentice, minors must have the permission of a legal guardian. The law prohibits employment of minors in hazardous labour.

The government of Algeria has also put in place a number of programmes to promote child protection. In 2005, the government spent 1.3 billion Algerian Dinars (equivalent to US \$21 million)<sup>26</sup> on programmes for out-of-home care children, including specialised re-education centres, residential care institutions and foster care programmes. In addition, training programmes for institutions dealing with children have been organised, especially on the issue of child abuse.<sup>27</sup>

However, despite efforts by the Algerian government to incorporate the principles and provisions of the CRC into national legislation, there remain a number of gaps in the formulation and enforcement of legislative measures, including:

- The law does not prohibit trafficking in persons, despite the fact that the country is a transit and destination country for men, women, and children from sub-Saharan Africa and Asia trafficked for forced labour, especially domestic servitude, and sexual exploitation.<sup>28</sup>

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<sup>25</sup> The definition of child in the Algerian Legislation does not seem to be uniform - for example, the age of "civil majority", according to the CRC report, is 19. However this particular ordinance extends to persons under 21.

<sup>26</sup> Exchange rate of June 2008

<sup>27</sup> “Written Replies from the Government of Algeria to the List of Issues to be taken up in consideration of the second periodic report of Algeria by the Committee on the Rights of the Child”, Government of Algeria, 25 August 2005

<sup>28</sup> “Trafficking in Persons Report”, US State Dept June 2007, available at [gvnet.com/human trafficking/Algeria.htm](http://gvnet.com/human%20trafficking/Algeria.htm)

- Child abuse continues to be a problem. In 2004, it has been reported that 4,554 children younger than 16 were abused, of whom 2,306 were hospitalised for injuries stemming from abuse; 1,386 were victims of sexual abuse; and 53 were victims of incest.<sup>29</sup> In the first four months of 2007 the national police dealt with 516 cases of violence against children.<sup>30</sup> Experts indicate that parents carry out more than three-fourths of child abuse and many cases are unreported because of familial reticence.
- Violence against children has been trivialised to a certain extent due to the culture of violence resulting from the armed conflict of the 1990s. Corporal punishment and psychological violence receive little attention because Algerians have been exposed to far more graphic violence as a result of terrorism.<sup>31</sup>
- The Ministry of Labour does not conduct regular inspections in the agricultural sector and private enterprises; children working in these sectors are de facto excluded from legal protection.
- Despite the ban on employment of children under the age of 16, local NGO FOREM reports that in the eight most populous provinces, six per cent of children age 10 and younger participated in the labour force, while 63 per cent of children age 13 to 16 participated.<sup>32</sup>

#### 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.’ All children aged 6 to 16 years, including non-national children, are entitled to compulsory and free education without any discrimination. The Ministry of National Education is responsible for the education of Sahrawi children. Almost a quarter of the State’s annual budget is allocated to the education sector – in 1999, nearly US \$1.8 billion were allocated to the educational sector.<sup>33</sup>

However, educational indicators show a disturbing trend. The primary school net enrolment rates are 98 per cent for boys and 95 for girls and secondary school rates 65 and 68 per cent respectively.<sup>34</sup> A significant proportion of children are therefore out of school. The 1998 census highlighted that more than 1.1 million girls and boys aged 6 to 14 years were out of school; and in 2000/2001 alone, 84,000 children (33,500 girls and 50,500 boys) officially dropped out of primary school before completing 5 years of schooling.<sup>35</sup>

School drop out rates can be directly linked to the socio-economic context, particularly for children from low-income households, deteriorating quality of education and prevalence of violence within

<sup>29</sup> “Algeria: 2005 Country Report on Human Rights Practices”, US State Department, March 8, 2006, available at <http://www.state.gov/p/nea/ci/81993.htm>

<sup>30</sup> Algeria Aims to Defend Children’s Rights”, Magharebia, The News & Views of the Maghreb, 5 June 2007

<sup>31</sup> International Bureau for Children’s Rights, Op. Cit

<sup>32</sup> “Algeria: 2006 Country Report on Human Rights Practices”, US State Department, March 11, 2007, available at <http://www.state.gov/p/nea/ci/81993.htm>

<sup>33</sup> Second Periodic Report to the Committee on the Rights of the Child, Op. Cit

<sup>34</sup> Idem

<sup>35</sup> The expansion of access to education and the demography of Algeria, Background paper prepared for the Education for All Global Monitoring Report 2003/4 “Gender and Education for All: The Leap to Equality”, Kamel Kateb, 2003

schools. A study conducted by the Ministry of Education in collaboration with UNICEF revealed that corporal punishment is still commonly practiced in schools.

Moreover, the Committee on the Rights of the Child expressed concerns in 2005 about the quality of education, in particular that 'the curricula were said to have conveyed a distorted notion of Algerian history and a degrading image of women, and that pupils were encouraged to spurn other religions, which were presented merely as those of colonial settlers...Concerns were expressed that children could not speak out freely in class and ask questions about Islam for fear of being labelled as troublemakers'. In addition, the Committee has expressed particular concern about the lack of access to education for children of nomadic families and communities. Early education is still a luxury for all children, with only a minority of children participate in pre-primary education, particularly in the rural areas.

#### **5. Status of the Right to protection and education under emergencies**

Algeria has been affected by serious natural disasters ranging from earthquakes, drought, and floods, to locust infestation and fires, with 90 per cent of its infrastructure and population located in areas of high risk, particularly the north coast.<sup>36</sup> The government of Algeria has been working with the United Nations to develop Disaster Risk Reduction and Emergency Preparedness plans. However, no specific information has been found on the status of the right to education and protection of children under natural emergencies. As for protection of refugees, Algeria has signed the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the 1969 Organisation of African Unity (OAU) Refugee Convention.

#### **6. Stakeholder (duty-bearers) analysis – civil society**

Government structures: The National Committee for the Protection and Wellbeing of the Child, established under the Ministry of National Solidarity, and the Inter-Ministerial Committee for the Protection and Development of the Child are the main coordinating bodies assisting with the implementation of the CRC.<sup>37</sup> Other leading bodies established since the accession to CRC include: the Office of the Government's Deputy Ministry for the Family and the Status of Women, the National Commission to Combat Child Labour and the National Commission for Children. However, as noted by the Committee on the Rights of the Child, coordination amongst government structures, especially at level and regional levels remains weak. Further research is needed on effectiveness of the government institutions responsible for child welfare and protection.

Civil society is rapidly developing in Algeria, with an unprecedented increase in the number of organisations engaged in service provision and in advocacy.<sup>38</sup> There are now over 78,000 local associations in Algeria, involved in charitable initiatives, environmental protection, women's rights and education, and nearly 950 associations working at the national level.<sup>39</sup> However, a recent

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<sup>36</sup> "Algeria: Reducing Natural Disaster Risk", United Nations Development Programme, available at: <http://www.undp.org/cpr/disred/documents/publications/corporatereport/arabstates/algeria.pdf>

<sup>37</sup> "Regional Scoping Exercise", A. Hauzar, E. Eidaous and A. Al Kassir, Save the Children UK, March 2007

<sup>38</sup> International Bureau for Children's Rights, Op.Cit

<sup>39</sup> African Charter on Human and Peoples' Rights Third and Fourth periodic reports, Op. Cit

International NGO and Training Centre (INTRAC) report states that although there are a large number of civil society organisations in Algeria, very few focus on human rights or development.<sup>40</sup>

General awareness on child rights issues amongst civil society organisations is on the rise. For example, the Nada Network (Réseau Algérien pour la Défense des Droits de l'Enfant) was set up in 2005 and brings together more than 100 professional associations and NGOs to share information, advocate for responses to violations of children's rights and facilitate collaboration and joint initiatives.<sup>41</sup> Nevertheless, the effectiveness of its policy advocacy work needs further assessment. FOREM, a leading local NGO in child rights, established the Observatory on Children Rights to monitor and advocate for changes in favour of children's rights in Algeria.

The 1992 Emergency Law, accompanied by government directives and practices, impose some limits on the constitutional right of association, and the law prohibits unions from receiving funds from foreign sources, with courts empowered to dissolve unions.<sup>42</sup> The Ministry of Interior and Local Collectivities supervises the activities of Algerian associations. Domestic NGOs must be licensed by the Ministry of Interior and are prohibited from receiving funding from abroad without approval from the Ministry of National Solidarity. Approximately 100 unlicensed NGOs operate openly, such as women's advocacy groups and charity organisations.

According to the US State Department<sup>43</sup>, the government continues to harass some local NGOs, and impedes the work of international and national human rights groups, with some groups reporting interference by government authorities, including surveillance and monitoring of telephone calls and difficulty in obtaining approval for international speakers. However, international NGO Handicap International and local NGO FOREM, which both work on children's rights, did not report difficulty conducting investigations.

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<sup>40</sup> "Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

<sup>41</sup> International Bureau for Children's Rights, Op.Cit

<sup>42</sup> For more information, see United Nations Development Programme, Programme on Governance in the Arab World (UNDP POGAR), available at <http://www.pogar.org/countries/civil.asp>

<sup>43</sup> US State Department, 2006, Op.Cit

**Table 1: Algeria, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Ratification			
African Charter on Human and People's Rights	Ratification	10.04.1984	01.02.1987	
Protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and People's rights	Ratification	13.07.1999	22.04.2003	
African Charter on the Rights and Welfare of the Child	Ratification	21.05.1999	08.07.2003	
African Youth Charter	No Action			
Convention on the Rights of the Child	Ratification	26.01.1990	16.04.1993	16.05.1993
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*	Ratification		02.09.2006	
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Accession		27.12.2006	27.01.2007
ILO Convention N. 138 on Minimum Age	Ratification		30.04.1984	
ILO Convention N. 182 on Worst Forms of Child Labour	Ratification		09:02:2001	

Convention on the Elimination of All Forms of Racial Discrimination	Ratification	09.12.1966	14.02.1972	15.03.1972
International Covenant on Economic, Social and Cultural Rights	Ratification	10.12.1968	12.09.1989	
International Covenant on Civil and Political Rights	Ratification	10.12.1968	12.09.1989	12.12.1989
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Elimination of All Forms of Discrimination against Women	Accession		22.05.1996	21.06.1996
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Ratification	26.11.1985	12.09.1989	11.10.1989
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Accession		21.04.2005	01.08.2005
Convention on the Rights of Persons with Disabilities	Signature Only	30.03.2007		
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			
Convention relating to the Status of Refugees	Succession	21.02.1963		

**Sources:**

Information on African Union ratification status from: African Union website: <http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm> And from [http://www.achpr.org/english/ratifications/ratification\\_african%20charter.pdf](http://www.achpr.org/english/ratifications/ratification_african%20charter.pdf)  
Information on ratification status of UN conventions from UN OHCHR website: <http://www.unhchr.ch/tbs/doc.nsf/newhvstatusbycountry?OpenView&Start=1&Count=250&Expand=3#3>.  
Information on ILO Conventions from ILO website <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C182>, and <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C138>

On Information on Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages from United Nations Treaty Collection [As of 5 February 2002], Convention on Refugee, see <http://www.unhcr.ch/html/menu3/b/treaty2ref.htm> [As of 5 February 2002]

## **Notes**

Dates are in day-month-year format

\* This is not confirmed by the UN OHCHR website, which states “no action” taken by Algeria

## **Chapter 2: Bahrain**

### **1. Context**

#### **1.1 Background**

Since gaining independence in 1971, the Kingdom of Bahrain has witnessed dramatic socio-economic changes. It was one of the first countries in the Gulf region to benefit from the oil boom. To build the infrastructure of the economy, expatriate workers were encouraged to come into the country. The population of the smallest Arab country has now crossed 1 million, with the share of foreigners at over 80 per cent.<sup>44</sup>

Since Sheikh Hamad bin Issa Al-Khalifa took over as Emir on his father’s death in 1999, political and economic reforms have intensified. The period of civil unrest and gross human rights violations, which had marked Bahrain since the riots of 1994 – opposing principally the Shi’a community to the ruling Sunni family – came to an end.<sup>45</sup> In 2001, in a historic national referendum the population endorsed the National Action Charter, the blueprint for the county’s reform programme. In 2002, Bahrain was declared a “constitutional monarchy” with elected parliament, appointed council and independent judiciary system, and municipal and parliamentary elections were held on the same year. As part of the reforms, the setting up of NGOs, including Human Rights Organisations, has been encouraged. Despite these important steps, the UN has identified the protection of human rights, strengthening of government capacity to improve transparency and participation, and empowerment of women and youth as key governance concerns.<sup>46</sup>

Bahrain is classified among rich developing countries, with a Gross Domestic Product per capita of US\$25,300 and ranking 41 out of 177 nations in terms of Human Development Index.<sup>47</sup> It is largely on track to meet the Millennium Development Goals by 2015, although eliminating gender inequalities in workforce and in public sphere still poses a significant challenge. There are also

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<sup>44</sup> “Bahrain Witnesses Population Explosion”, Arabian Business.Com, 27 February 2008, <http://www.arabianbusiness.com/512344-bahrain-witnesses-population-explosion>

<sup>45</sup> In September 1997 the European Parliament passed a resolution on human rights abuses in Bahrain. For more information, see “World Report 1998”, Human Rights Watch, 1998.

<sup>46</sup> “Draft Country Programme Document for Bahrain (2008-2011)”, UNDP, June 2007

<sup>47</sup> “Bahrain Country Factsheets”, United Nations Development Programme, <http://www.undp.org/bh/bahrainfact.html>



concerns that the increasing trends towards privatization of health and education sectors may have negative consequences on the population's welfare.<sup>48</sup> In the absence of strong civil society, insufficient attention is being paid to protect vulnerable and impoverished people from the social impact of economic reforms and structural adjustment programmes.<sup>49</sup>

The Shi'a population, which makes up 70 per cent of the indigenous population, is less well represented in Bahrain's civic and economic mainstream. The Shi'a population suffer from higher unemployment rates, and are discriminated against in educational and housing services, according to the Bahrain Centre for Human Rights.<sup>50</sup> The majority of the "Bidoun" population, a group of some 9,000 to 15,000 stateless persons mainly of Persian-origin, have been granted citizenship since 2001.<sup>51</sup> The denial had created difficulties for "stateless" persons to own property, access social services and employment opportunities. Bidoun and citizens who speak Farsi continue to face social and economic discrimination. In addition, many workers, mainly Southeast Asian men and women who have migrated to Bahrain to work as domestic workers or physical labourers, encounter harsh working conditions, and may be subjected to 'conditions of involuntary servitude due to exorbitant recruitment and transportation fees, withholding of their passports, restrictions on their movement, non-payment of wages and physical or sexual abuse'.<sup>52</sup>

There are reports that the 2008 budget will focus more on social expenditure, especially on human resource development, in order to raise living standards, especially of the Shi'a population. There is no available information on resource allocation for child survival, development and protection programmes. However, with UNICEF support, Bahrain is now working to develop child-friendly budgets, in order to better review budget allocations for children and to develop policy options for better utilisation of available resources.<sup>53</sup>

## 1.2 Society and culture in regards to children

There are approximately 226,000 children under the age of 18 in Bahrain.<sup>54</sup> Shari'a 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.<sup>55</sup> UNICEF also reports that although a youth parliament has been established in Bahrain, adolescents are largely passive players in schools and communities, lacking opportunities to express their opinions, assess their problems and propose and implement solutions.<sup>56</sup>

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<sup>48</sup> "Concluding Observations of the Committee on the Rights of the Child: Bahrain", Committee on the Rights of the Child, CRC/C/15/Add 175, 7 February 2002

<sup>49</sup> "High hopes, little progress", Houssein Moussa, Committee for the Defense of Human Rights in Bahrain, 2001

<sup>50</sup> "Citizenship in Bahrain: Motives & Serious Impacts on Humans Rights and Social Security", Bahrain Centre for Human Rights, March 2004, <http://www.bahrainrights.org/node/30>

<sup>51</sup> Bidun is short for Bidun jinsiya which means "without nationality" in Arabic. Refugees International website, [http://www.refintl.org/section/publications/stateless\\_mideast](http://www.refintl.org/section/publications/stateless_mideast)

<sup>52</sup> "2005 Trafficking in Persons Report", US Department of State, June 5 2006

<sup>53</sup> "Call for Child-Friendly Budgeting from Sub-Regional Workshop organized by Bahrain Parliament and UNICEF", News note, UNICEF, Bahrain, 31 May 2006

<sup>54</sup> "Bahrain Statistics", UNICEF, available at [http://www.unicef.org/infobycountry/bahrain\\_statistics.html](http://www.unicef.org/infobycountry/bahrain_statistics.html)

<sup>55</sup> "Rights of the Child in Bahrain", Submitted to the Committee of the Rights of the Child, 29<sup>th</sup> Session, Geneva, 14 January - 1 February 2002OMCT, [http://www.omct.org/pdf/cc/Bahrain\\_Web\\_GB.pdf](http://www.omct.org/pdf/cc/Bahrain_Web_GB.pdf)

<sup>56</sup> "Recommendation for funding from other resources without a recommendation for funding from regular resources: Gulf Area subregional programme", United Nations Children's Fund, E/ICEF/2006/P/L.61, 5 July 2006

## 2. Status of the Rights of the Child<sup>57</sup>

The United Nations Convention on the Rights of the Child (CRC) entered into force in Bahrain on 14 March 1992. The country acceded to the Optional Protocols on the Involvement of Children in Armed Conflict, and on the Sale of Children, Child Prostitution and Child Pornography in September 2004.

The initial CRC report of Bahrain was due on 12 March 1994, but was submitted on 3 August 2000. The second periodic report was due on 12 March 1999. Upon review of the initial report, the Committee on the Rights of the Child issued the following main concluding observations<sup>58</sup>:

- The principles of non-discrimination, best interests of the child, survival and development and respect for the views of the child are not fully reflected in legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children.
- The narrow interpretations of Islamic texts in areas relating to personal status law may impede the enjoyment of some human rights protected under the CRC. The Committee is particularly concerned that the Shari'a Court system lacks many basic and minimum international safeguards and procedures.
- There is no defined minimum age for marriage and that there are inconsistencies in other areas of Bahraini law with respect to minimum ages. For example, admission to employment (14 years) is less than age for completion of basic education (15 years) and juvenile justice system does not regard 15-18 years old as children and that there is no minimum age of criminal responsibility.
- The National Committee on Childhood is entrusted with the task of coordinating government ministries and NGOs in the implementation of the CRC but does not seem to have a clear mandate in this regard. The Committee welcomed the establishment of an independent monitoring body, the Consultative Council's Human Rights Committee; however, it emitted its concern that it does not have a child rights-sensitive procedure for dealing with complaints under the Convention.
- Insufficient efforts have been made to systematically involve civil society in the implementation of the CRC.

Bahrain agreed to the "Cairo Declaration on Human Rights in Islam" issued in 1990 by Foreign Ministers of Muslim countries. The declaration is a guiding document that does not require ratification. It also ratified the "Arab Charter of Human Rights/Amended" prepared by the Arab Summit in Tunisia in May 2004, and delivered the relevant documents to the General Secretariat of the Arab League on June 18, 2006.<sup>59</sup>

## 3. Status of the Right to Protection

Bahrain has put in place legislative measures to protect children from violence, neglect, ill-treatment and exploitation. With UNICEF support, the country has also been implementing projects including the use of media to raise awareness of child protection issues. In January 2008, the *Shura* Council

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<sup>57</sup> Information on the Status of CRC Ratification and Reporting is from the United Nations Office of High Commissioner of Human Rights Website, <http://www.ohchr.org/EN/Countries/MenaRegion/Pages/BHIndex.aspx>

<sup>58</sup> Committee on the Rights of the Child, Op.Cit

<sup>59</sup> Governance Programme in Arab Region (POGAR), United Nations Development Programme, available at: <http://www.pogar.org/countries/civil.asp?cid=2>

approved a new law to combat trafficking – the issue of minors, particularly young girls from Southeast Asia coming to work as domestic workers, and which has long been a thorny issue for the government.<sup>60</sup>

However, the Bahraini legislation needs to be improved and effective enforcement needs to be strengthened. For example, while corporal punishment in schools is banned under the Code of School Discipline, promulgated by the Ministry of Education in Ordinance No. 549/168-1/1992, corporal punishment at home is lawful.<sup>61</sup> In addition, there is no legal definition for child abuse and neglect. Policies and procedures, to be followed in case of child abuse, needs to be clarified. For example, health workers currently do not feel obliged to report cases of child abuse, fearing the legal involvement. Furthermore, the Committee on the Rights of the Child has underlined the need to develop a comprehensive approach in addressing child abuse including; 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.<sup>62</sup>

In regard to children in conflict with the law, the Committee on the Rights of the Child is concerned that the juvenile justice system does not regard 15-18 years old as children and that there is no minimum age of criminal responsibility. Human Rights Watch has received reliable reports that children less than eighteen years of age were regularly held in adult detention facilities in Bahrain.<sup>63</sup>

Forced or compulsory child labour also is prohibited by the Constitution, and the Government enforces this prohibition effectively.<sup>64</sup> The country has ratified the International Labour Organisation Convention 182 on the Worst Forms of Child Labour in 2001. The minimum age for employment in Bahrain is 14 years for both national and foreign workers, as stipulated by the amended Labour Law for the Private Sector of 1976. However, legal protection is not extended to certain categories of working children, such as those employed as domestic servants, or work in agricultural sector or family owned businesses. Surveys indicate that 5.5 per cent of Bahraini children aged 5 to 15 years hold paying jobs, while 0.5 per cent of children do unpaid work outside the family.<sup>65</sup>

#### **4. Status of the Right to Education**

Article 7 of the Constitution 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’. The 2005 Education Act made education free and compulsory for all children, including non-citizens, ages 6 to 15.<sup>66</sup> While the act imposed fines on parents whose children failed to attend school and outlined other measures to encourage school attendance, authorities do not generally enforce compulsory education.

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<sup>60</sup> “Bahrain: New Trafficking Law Passed”, Child Rights Information Network, 7 January 2007, available at <http://crin.org/resources/infoDetail.asp?ID=16100&flag=news>

<sup>61</sup> “Bahrain: Briefing for the Human Rights Council, Universal Periodic Review, 1<sup>st</sup> Session, 2007”, Peter Newell, Global Initiative to End All Corporal Punishment of Children

<sup>62</sup> “Draft Programme of Co-operation between The Government of Bahrain and UNICEF 2007 – 2009”, UNICEF, 2007

<sup>63</sup> “Children’s Rights”, World Report, Human Rights Watch, 2001

<sup>64</sup> “Bahrain: Laws Governing Exploitative Child Labour Report”, US Department of Labour, September 2005

<sup>65</sup> “Nutrition Country Profile: Bahrain”, Food and Agriculture Organisation, available at <ftp://ftp.fao.org/ag/agn/nutrition/ncp/bhr.pdf>

<sup>66</sup> “Bahrain - 2007 Country Report on Human Rights Practices”, US Department of State, 11 March 2008

The state provides students with schoolbooks free of charge, and meets the costs of transporting the students to and from their schools and provides them with health care and social and educational counselling. In the late 1990s, government allocated more than 13 per cent of the annual budget to the education sector.<sup>67</sup>

The Gross Enrolment Rate for primary school is over 100 per cent for girls and boys while the Net Enrolment Rate is 97 per cent for boys and girls.<sup>68</sup> The Net Enrolment Rate for secondary school is 87 per cent for boys and 93 per cent for girls.<sup>69</sup> Children living with disabilities are enrolled in specialised education programs in public schools. As a result of recommendations from the Committee on the Rights of the Child, Bahrain has started a process of integrating human rights into the curriculum. UNICEF notes that the country needs to further review the curricula, to develop the capacity of teachers as well as to monitor learning achievements.

Quality of education is assumed to be lower in Shi'a neighbourhoods than in Sunni neighbourhoods.<sup>70</sup> Access to good quality pre-school education remains severely limited. Only 46 per cent of boys and 29 per cent of girls are enrolled in kindergartens, and concern has been expressed about the quality of pre-school education in Bahrain.<sup>71</sup>

#### **5. Status of the Right to protection and education under emergencies**

Information on the status of the right to protection and education under emergencies is not widely available. Bahrain is not prone to natural disasters<sup>72</sup> and has not been party to regional conflicts. 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 UN Convention. In practice, however, the government provided protection against *refoulement*, the return of persons to a country where they fear persecution.<sup>73</sup>

#### **6. Stakeholder (duty-bearers) analysis – civil society**

Government: The National Commission for Children is the main body responsible for child welfare, development and protection. UNICEF is providing technical assistance and training to the National Commission to monitor trends in child indicators, complete and implement a National Plan of Action for Children, continue the process of adapting local legislation and policies with the CRC provisions as well as ensuring its implementation, review of the state budget from a child perspective. Further research is needed on effectiveness of this body, and the extent to which it coordinates with civil society organisations and with the Human Rights Committee, established in 1999, whose mandate includes receiving and investigates complaints regarding violations of children's rights.

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<sup>67</sup> "Consideration of Reports Submitted by State Parties: Initial reports of States parties due in 1994 - Bahrain"

CRC/C/11/Add.24, 23 July 2001

<sup>68</sup> 2000-2006 Data, "Primary School Years", UNICEF Gulf Area Office, [http://www.unicef.org/gao/children\\_3421.html](http://www.unicef.org/gao/children_3421.html)

<sup>69</sup> 2000-2006 Data, Bahrain – Statistics", UNICEF, [http://www.unicef.org/infobycountry/bahrain\\_statistics.html](http://www.unicef.org/infobycountry/bahrain_statistics.html)

<sup>70</sup> "Bahrain: Making Children's Rights Work", International Bureau for Children's Rights, 2007

<sup>71</sup> "Recommendation for funding, Gulf Area sub-regional programme", United Nations Children's Fund, 1 July 2003

<sup>72</sup> The last natural disaster encountered by Bahrain was in 1978 when an epidemic killed 111 persons, see International Strategy for Disaster Reduction, <http://www.unisdr.org/eng/country-inform/bahrain-disaster.htm>

<sup>73</sup> US State Department, Op.Cit

The Human Rights Committee has been criticised by the Committee on the Rights of the Child for having a procedure that is not child-sensitive, nor adequately equipped to monitor and respond to children's complaints.<sup>74</sup> A steering committee, composed of the National Committee for Children, the British Council, members of the Bahrain national parliament, and UNICEF, has been established. Again further information is needed on the effectiveness of this entity.

Civil society: Since the new constitution was implemented, civil society organisations have flourished, and by the end of 2003, over 200 NGOs were registered in Bahrain, 'helping to facilitate the growth of civil society and public discourse; many of these exert significant efforts in the area of human rights'.<sup>75</sup> By 2007, there were over 400 registered NGOs. Leading human rights organisations, however, continue to experience government interference.<sup>76</sup>

The Bahrain Women's Society launched the country's first helpline dedicated to children who are victims of abuse or neglect as part of its "Be Free" programme.<sup>77</sup> The Bahrain Child Society and the Bahrain Youth Society for Human Rights conduct media advocacy projects and work directly with vulnerable children, particularly working children, children victims of abuse and violence, children in conflict with the law and children with disability.<sup>78</sup> In June 2005, the Batelco Care Center for Family Violence was established, offering a hotline for men, women and children victims of violence. UNICEF has supported the holding of a youth parliament in Bahrain, to provide children aged 16-18 years with a chance to share their views on key national developmental matters concerning their lives and future. More thorough assessment is needed on the effectiveness of civil society organisations in promoting children's rights.

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<sup>74</sup> International Bureau for Children's Rights, Op.Cit

<sup>75</sup> UNDP, Op.Cit

<sup>76</sup> US State Department, Op.Cit

<sup>77</sup> "Bahrain Brief", Vol 6, Issue 1, Gulf Centre for Strategic Studies, January 2005, available at <http://www.bahrainbrief.com.bh/english/January%202005/current-January.htm>

<sup>78</sup> "Bahrain" Child Rights Information Network, <http://www.crin.org/organisations/vieworg.asp?id=3494>

**Table 2: Bahrain, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Ratification			
Convention on the Rights of the Child	Accession		13.02.1992	14.03.1992
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Accession		21.09.2004	21.10.2004
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Accession		21.09.2004	21.10.2004
ILO Convention N. 138 on Minimum Age	No action			
ILO Convention N. 182 on Worst Forms of Child Labour	Ratification		23.03.2001	
Convention on the Elimination of All Forms of Racial Discrimination	Accession		27.03.1990	26.04.1990
International Covenant on Economic, Social and Cultural Rights	Accession		27.09.2007	
International Covenant on Civil and Political Rights	Accession		20.09.2006	20.12.2006
Convention on the Elimination of All Forms of Discrimination against	Accession		18.06.2002	18.07.2002

Women				
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Accession		06.03.1998	05.04.1998
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No Action			
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Rights of Persons with Disabilities	Signature only	25.06.2007		
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			
Convention relating to the Status of Refugees	No action			

## **Chapter 3: Egypt**

### **1. Context**

#### **1.1 Background**

Egypt is the most populous Arab country with over 74 million persons, out of which 30 million inhabitants are under the age of eighteen<sup>79</sup> - a group as large as the total populations of Iraq and Syria combined, or five times the population of Jordan.<sup>80</sup>

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. However, the new law placed high restrictions for opposition parties. Also, there has been reports of political persecution of some opposition leaders by the state. Parliamentary elections in 2005 saw gains for the opposition Muslim Brotherhood.<sup>81</sup>

Despite the establishment of the National Human Rights Council in 2003, the country continues to demonstrate a poor record in human rights. The Emergency Law of 1958 has been extended on a continuous basis, allowing for arrest and detention without trial, and creates an atmosphere of impunity in which torture and ill-treatment flourish.<sup>82</sup> In early 2008, the European Parliament passed a resolution heavily criticizing the government's human rights record, including recent arrests and action against NGOs, human rights defenders and journalists, and discrimination against Copts and Baha'is.<sup>83</sup> In April 2008, 117 international NGOs sent the Egyptian Health Ministry a letter to voice concern regarding arrests and prosecutions of people living with HIV, stating that forcible testing for HIV without consent, and discrimination or arbitrary arrests or ill-treatment based on HIV status violate international human rights protections, adding that Egypt's law against consensual same-sex sexual conduct violates protections against discrimination in the International Covenant on Civil and Political Rights.<sup>84</sup>

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<sup>79</sup> "Egypt – At a Glance," UNICEF, available at [http://www.unicef.org/infobycountry/egypt\\_statistics.html](http://www.unicef.org/infobycountry/egypt_statistics.html)

<sup>80</sup> "Common Country Assessment", United Nations, Cairo, Egypt, December 2001

<sup>81</sup> For brief country profile, see Oxford Business Group, <http://www.oxfordbusinessgroup.com/country.asp?country=3>

<sup>82</sup> "World Report 2008": Egypt, Human Rights Watch, <http://hrw.org/englishwr2k8/docs/2008/01/31/egypt17595.htm>,

<sup>83</sup> "Motion for a Resolution" <Date>{15/01/200</Date>, <NoDocSe>B6-0036/2008</NoDocSe>, European Parliament, 15 January 2008

<sup>84</sup> "Egypt: 117 NGOs Slam HIV-Based Arrests and Trials" Human Rights Watch, April 7, 2008, New York/Cairo



While the government has lagged in implementing political reforms, it has moved quicker on the socio-economic front. Starting from 1991, Egypt implemented economic reform and structural adjustment programs, with the World Bank now considering it one of the top economic reformers in the world.<sup>85</sup> It has also made considerable progress towards achieving the Millennium Development Goals, with substantial gains in child survival rates, school enrolment, immunization coverage and access to safe drinking water.<sup>86</sup>

The country still faces considerable social and economic challenges. Over 20 per cent of the population still lives below the national poverty line. Nearly half of impoverished people reside in Upper Egypt, where children suffer from lower human development indicators, for example higher infant mortality rates and widespread chronic malnutrition.<sup>87</sup> Children are particularly vulnerable to poverty and deprivation: the pressure of making ends meet drives many families to send their children to work, often in hazardous settings. For such families, children's earnings constitute a significant proportion of household income. School dropouts make a sizeable proportion of working children. An estimated 2.4 million children under the age of 14 are engaged in work or income-generating activities.<sup>88</sup> Poverty, high illiteracy rates<sup>89</sup>, low quality of education and health services, combined with social acceptance of child labour and corporal punishment, renders children very vulnerable. The Committee on the Rights of the Child has recommended the country to prioritise and target resources and social services for children belonging to the most vulnerable groups, especially in areas which lack basic services.<sup>90</sup> Systematic analysis of the effects of budgetary allocations on the realisation of the rights of the child needs to be carried out.

The country is also dealing with large influxes of refugees. It was anticipated that by the end of 2007, 32,000 Sudanese, 12,000 Iraqis, 5,000 Somalis, and 2,000 others were registered with the UN Relief Agency (UNHCR), the majority which face 'difficult living conditions, insufficient educational facilities, lack of a health-insurance system and a shortage of housing'.<sup>91</sup> In addition, between 500,000 to 3 million Sudanese and approximately 150,000 Iraqi refugees, without official refugee status, are residing in Egypt.<sup>92</sup>

## 1.2 Society and culture in regards to children

Respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, the courts, and within the family, according to the Committee on the Rights of the

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<sup>85</sup> "Egypt: Reforms Trigger Economic Growth", Klaus Enders, IMF Survey Magazine, IMF, February 13, 2008

<sup>86</sup> UNICEF, Op.Cit

<sup>87</sup> "Egypt Human Development Report, Choosing our Future: Towards a New Social Contract", United Nations Development Programme (UNDP) and Institute of National Planning, Egypt, 2005

<sup>88</sup> Figures from the National Council on Childhood and Motherhood, quoted in "A Rights-Based Analysis of Child Protection in Egypt": Community and Institutional Development, Save the Children UK, Egypt, November 2007

<sup>89</sup> Egypt is one of nine countries with the highest illiteracy rates in the world, See "Egypt Human Development Report, Choosing our Future: Towards a New Social Contract", United Nations Development Programme (UNDP) and Institute of National Planning, Egypt, 2005

<sup>90</sup> "Concluding Observations of the Committee on the Rights of the Child Egypt", CRC/C/Add 145, United Nations Convention on the Rights of the Child, 21 February 2001

<sup>91</sup> "Global Appeal, Country Profile: Egypt, 2008-2009", United Nations High Commissioner for Refugees, December 2007, available at: <http://www.unhcr.org/country/egy.html>

<sup>92</sup> "Egypt – Research Guide", Forced Migration Online: A World of information on Human Displacement, University of Oxford, <http://www.forcedmigration.org/guides/fmo029/fmo029-3.htm>

Child.<sup>93</sup> 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. Often, the prevalence of domestic violence – a UNICEF report indicates that 35 per cent of Egyptian women are victims of domestic violence<sup>94</sup> – leads ‘the female children of these families to accept violence as a usual part of life, while the male children become more violent when they grow up’.<sup>95</sup>

There are no reliable estimates of the total number of children deprived of adequate family care in Egypt. 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. Some estimates say as many as two million children are living on Egypt's streets, most of them in Alexandria and Cairo, with the average age believed to be 13.<sup>96</sup>

## **2. Status of the Rights of the Child<sup>97</sup>**

Egypt was one of the first signatories of the United Nations Convention on the Rights of the Child (CRC). The CRC entered into force in Egypt on 2 September 1990. Egypt expressed its reservations on articles 20 and 21 in relation to foster care for children and adoption procedures for children. Following recommendations of the Committee on the Rights of the Child, which pointed out that the CRC 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.

Egypt acceded to the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography in 2002, and the Optional Protocol on the Involvement of Children in Armed Conflict in 2007. The country has also signed the African Charter on Human and People's Rights, the African Charter on the Rights and Welfare of the Child, and the African Commission on Human and Peoples' Rights' Resolution on the Situation of Women and Children in Africa.<sup>98</sup>

It submitted its initial report on the implementation of the CRC on 23 October 1992 and its second periodic report on 18 September 1998. The NGO Coalition on the Rights of the Child issued an alternative report. The third periodic report was due on 1 January 1992. It has yet to submit its initial report on the implementation of the Protocol to the CRC, due on 12 August 2004.

Upon review of the second periodic report of Egypt, the Committee on the Rights of the Child noted with concern that many of the recommendations on the initial report were not addressed, and reiterated many of the same recommendations, including<sup>99</sup>:

- Improve inter-sectoral coordination and cooperation at and between national and local levels of government.

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<sup>93</sup> Committee on the Rights of the Child, Op.Cit21 February 2001

<sup>94</sup> “Domestic Violence against Women and Girls”, Innocenti Digest n. 6, UNICEF, Innocenti Research Centre, June 2000, Florence Italy

<sup>95</sup> “NGOs Report on the Rights of the Child in Egypt”, NGO Coalition on the Rights of the Child in Egypt, submitted for the CRC Session 26, 8-26 January 2001

<sup>96</sup> SCUK, Op.Cit.

<sup>97</sup> Information on CRC Ratification and Reporting Status is from United Nations Office of the High Commissioner for Human Rights website, <http://www.ohchr.org/EN/countries/MENARegion/Pages/EGIndex.aspx>

<sup>98</sup> See Child Rights Information Network (CRIN) <http://www.crin.org/Law/instrument.asp?InstID=1157> for more information

<sup>99</sup> Concluding Observations, Op.Cit

- Involve civil society, especially children's associations and advocacy groups, more in the implementation of the CRC.
- Consider the establishment of an independent national human rights institution to monitor and evaluate progress in the implementation of the CRC.
- Increase the age of criminal responsibility, currently set at 7 years.
- Continue its campaigning efforts to combat early and forced marriages, especially in rural areas.
- Take effective measures to prevent and eliminate discrimination on grounds of sex and birth (e.g. children born out of wedlock) in all fields of civil, economic, political, social and cultural life.
- Tackle regional disparities in social economic development.
- Take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse in the family, schools and care institutions; these should be accompanied by enhanced provision of rehabilitation services, training for professionals working with children and public awareness raising campaigns.
- Review existing policies and practices in relation to children with disabilities, and promote community-based rehabilitation and inclusive education programmes;
- Review and assess administration of juvenile justice, particularly the conformity of legislation and practice of the CRC as well as with relevant international standards.

### 3. Status of the Right to protection

The Presidential Declaration of the Second Decade for the Protection and Welfare of the Egyptian Child (2000-2010) placed children at the forefront of the development agenda. The government has put in place national plans of action to promote child protection, including the National Plan of Action on Violence against Children and the National Strategy against Child Labour. The main coordinating body, the National Council on Childhood and Motherhood, has implemented various 'children at risk' programmes, such as the Hotline for Children.<sup>100</sup>

Despite the government's stated commitment to child protection, millions of Egyptian children remain subject to violence, abuse and exploitation. The Committee on the Rights of the Child has expressed its concern at the 'incidence of ill-treatment of children in schools despite its prohibition, and within the family, noting that **domestic violence** is a problem in Egypt'.<sup>101</sup> UNICEF also reports that despite government programmes for children at risk, abuse and violence continue in homes, schools and the streets.<sup>102</sup> The NGO Coalition on Child Rights report suggests that girls are more prone to abuse and ill treatment than boys especially when they reach the age of puberty.<sup>103</sup> At present, comprehensive **child protection mechanisms** are inexistent in many communities or do not sufficiently address the needs of children without adequate parental care, especially **children living on the streets**, estimated to number between 83,000 and 2 million.<sup>104</sup> Children living on the streets are particularly

<sup>100</sup> "The Situation of Children and Women in Egypt", UNICEF, <http://www.unicef.org/egypt/overview.html>

<sup>101</sup> Concluding Observations, Op.Cit

<sup>102</sup> "Draft Country Programme Document: Egypt", UNICEF, 2006;

<sup>103</sup> "NGO Coalition on the Rights of the Child in Egypt, Op.Cit

<sup>104</sup> UNICEF estimates that 83,000 to 200,000 children live on the streets, UNICEF, 2006, Op.Cit; the 2 million estimate is from "Experiences with Street Children in Egypt", Sedik, Center for Child Rights and Protection, Cairo, 1995

vulnerable to commercial sexual exploitation and abuse, with many children suffering from health problems ranging from tuberculosis and anemia.

There are promising **legislative developments**, with amendments to the Egypt's 1996 Child Law having been signed by President Hosni Mubarak on 4 March 2008 and passed by the Egyptian Parliament in June 2008. Under the new law, Child Protection Committees will be set up to monitor children at risk and to instigate necessary legal procedures to protect children. The new law criminalises female circumcision, also known as **female genital mutilation (FGM)**. Despite ministerial decrees in 1994, 1996 and 2007 banning female genital mutilation in Ministry of Health service outlets, the practice of FGM had remained widespread, with a recent survey showing that 97 per cent of Egyptian women of reproductive age have been subjected to the practice, while 8 out of 10 mothers had either circumcised their daughters or intended to have a daughter circumcised in the future.<sup>105</sup>

Under the new law, mothers of children born out of wedlock are given the right to get them a birth certificate, which is necessary in Egypt to have access to healthcare and schooling services, and the minimum age of girl's marriage has increased to 18 years. To ensure alignment with the new Child Law, relevant articles of the penal code and civil status law were also amended. However, the proposed new legislation still allows corporal punishment under the name of discipline, and does not impose any penalties on perpetrators.<sup>106</sup>

Moreover, experience suggests that enforcement and implementation of legislative and policy reforms may be problematic. For example, even prior to the recent amendments, the 1996 Child Law prohibited **employment of children** under the age of 14. Despite the ban, an estimated 2.4 million children under 14 work full-time, part-time or on seasonal basis. In addition, articles related to child employment – including banning of employment in hazardous settings, and regulations on working hours – are not enforced. The new law has tightened penalties – anyone found to have forced children younger than 14 to work will face prison sentences of between three to six months. With soaring food prices in Egypt – reflecting global food price trends – the incidences of children working will increase as large and poor families struggle to cope, aid groups and experts say.<sup>107</sup>

#### 4. Status of the Right to education

Article 18 of the 1971 Constitution has defined education as a right guaranteed by the state and the 1981 law stipulated that education should be free; the subsequent legal reform in 1999 defined nine years of basic education as the right of all children. The government is increasingly prioritising education, and between 2004 and 2007, the budget for basic education increased four-fold. The Ministry of Education's strategy has three central goals: access, quality and improved institutional systems.<sup>108</sup>

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<sup>105</sup> "Female genital mutilation: issues and impact", Child Protection, UNICEF, available at [http://www.unicef.org/egypt/protection\\_148.html](http://www.unicef.org/egypt/protection_148.html)

<sup>106</sup> "The ECRC...appeals to the members of the people's assembly to agree to the law draft", The Egyptian Centre for Rights the of the Child, 6 April 2008

<sup>107</sup> "Child workers a growing problem as food prices rise" Herald Tribune, 4 May 2008

<sup>108</sup> "Country Profile prepared for the Education for All Global Monitoring Report 2008", Aisha Sabri, Education for all by 2015, UNESCO, 2007

Education indicators have improved over the past few decades. The primary school net enrolment rates are 96 per cent for boys and 91 percent for girls and the secondary school net enrolment rates 85 per cent and 79 per cent respectively.<sup>109</sup>

The education system still continues to face serious difficulties, with adverse repercussions on poor and vulnerable children.<sup>110</sup> 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.<sup>111</sup> In particular, rural Upper Egypt lags behind the rest of the country in education indicators, and estimates put the proportion of poor children out of school nationally in 1999/2000 at 23 per cent.<sup>112</sup>

Other impediments that prevent children from accessing good quality education include:

- 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.<sup>113</sup>
- The Egyptian Government promulgated a Ministerial Decree prohibiting **corporal punishment** in schools as early as 1971. But violence against boys and girls in schools remains rampant.
- Services, including educational services, are only available for 5 per cent of all **persons with disabilities**. 80 per cent of these services are city based and generally not free, making them inaccessible to the majority of disabled persons who are from rural and urban squatter families.<sup>114</sup>
- The Committee on the Rights of the Child has expressed its concerns that discriminatory social attitudes towards the education of **girls**, primarily in rural areas, result in their low school enrolment and high dropout rates, and in early and forced marriages.<sup>115</sup> UNICEF estimates that 17 per cent of children were involved in early marriage between 1987 and 2006.<sup>116</sup>
- 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 and that children of undocumented migrant workers do not have any access to the schooling system, whether private or public.<sup>117</sup>

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<sup>109</sup> 2000-2006 Data, “Egypt Statistics”, UNICEF, [http://www.unicef.org/infobycountry/egypt\\_statistics.html](http://www.unicef.org/infobycountry/egypt_statistics.html)

<sup>110</sup> SCUK, Op.Cit

<sup>111</sup> “Failing Our Children: Barriers to the Right to Education”, Human Rights Watch, 2005, available at <http://hrw.org/reports/2005/education0905/education0905.pdf>

<sup>112</sup> “UN Common Country Assessment 2005: Embracing the Spirit of the Millennium Declaration”, United Nations, Egypt, 2005

<sup>113</sup> “Who Asked Them Anyway? Rights, Policies and Wellbeing of Refugees in Egypt”, Katarzyna Grabska, Forced Migration and Refugee Studies, American University in Cairo, Egypt, July 2006

<sup>114</sup> Plan International, 2007

<sup>115</sup> Concluding Observations, Op.Cit

<sup>116</sup> UNICEF, Op. Cit

<sup>117</sup> “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, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families 25 May 2007

## 5. Status of the Right to protection and education under emergencies

A major disaster has not occurred in Egypt since 1992, when an earthquake destroyed or damaged over 4,000 buildings, highlighting weak housing infrastructure, in a country where over two million buildings have been identified as being on the brink of collapse.<sup>118</sup> Disaster reduction plans and emergency preparedness plans developed by the government do not refer specifically to children.<sup>119</sup>

As for the protection of the refugees, the constitution includes provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The government admits refugees on the understanding that their presence in the country is temporary, and because the country lacks legal framework governing the granting of asylum, the UNHCR has assumed full responsibility for the determination of refugee status on behalf of the government.<sup>120</sup>

## 6. Stakeholder (duty-bearers) analysis – civil society

Government structures: The National Council on Childhood and Motherhood (NCCM) has a mandate for policy formulation, planning, monitoring and coordination of child rights programmes.<sup>121</sup> The NCCM has also been playing an increasing role in the implementation of child rights programmes, including projects on child labour and children living on the streets. The NCCM is headed by Ambassador Moushira Khattab, member of the UN Committee on the Rights of the Child. The NCCM has been encouraging consultations with civil society and worked closely with civil society organisations in proposing amendments to the 1996 Child Law. It also organised the Middle East and North Africa Regional Consultation on UN Secretary General's Study on Violence against Children and its follow up in March 2006.

In response to the Committee on the Rights of the Child's recommendation to establishment an independent national human rights institution, the Egyptian government established the National Council for Human Rights (NCHR). The creation of the NCHR in 2003 met with mixed reaction from Egyptian civil society groups – most human rights activists argued that the NCHR was a government attempt to 'co-opt' human rights community, while others such as the Egyptian Organisation for Human Rights have lobbied for cooperation.<sup>122</sup> In practice, the NCCM has remained the leading organisation on the implementation of the CRC, and the NCHR does not appear to be a key player in child rights monitoring.

The First lady of Egypt, Suzanne Mubarak, is a leading spokesperson on children's issues and has been awarded by UNICEF in recognition of her dedication and efforts for child survival, protection and development. Key ministries dealing with child protection issues are the Ministry of Social Solidarity which runs over 40 residential care institutions for children without adequate parental care and the Ministry of Manpower, which has a Child Labour Department. Professionals working with

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<sup>118</sup> Interview with Hossam Kattab, SCUKE Emergency Officer, March 2006

<sup>119</sup> Idem

<sup>120</sup> This paragraph is extracted from "Egypt-2007 Country Report on Human Practices", US State Department, 11 March 2008, available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100594.htm>

<sup>121</sup> For more information on the National Council on Childhood and Motherhood, see [www.nccm.org.eg](http://www.nccm.org.eg)

<sup>122</sup> "Rhetorical Acrobatics and Reputations: Egypt's National Council for Human Rights", Joshua A. Stacher, Middle East Report Online 235, MERIP, available at" <http://www.merip.org/mer/mer235/stacher.html>

children often lack a thorough understanding of child protection issues, and have limited child participation skills.<sup>123</sup>

Civil Society: Egypt has one of the most vibrant research and study centres, as well as human rights and women's rights NGOs and charitable organisations in the region. However the permanent state of emergency severely limits associational activities.<sup>124</sup> The 2002 Revised Associations Law has further restricted NGO activity and requires the 16,000 organisations to register with the Ministry of Social Affairs.

The NGO Coalition on Child Rights is the leading organisation in promoting child rights, and the Arab Council for Childhood and Development in playing an increasingly vocal role in advocacy. Many civil society groups provide services to vulnerable groups of children, particularly children living with disabilities, working children and out-of-home care children. For example, Hope Village, Caritas and Egyptian Organisation for the Protection of Children work with children living on the streets. While NGOs provide valuable services to children at risk, they target a limited number of children – they generally have limited financial means and are weak in prevention work and in community outreach.<sup>125</sup> Their capacity in strategic planning, child participation, and policy advocacy work need to be strengthened for NGOs to play a more effective role in promoting the rights of children in Egypt. The NGO Coalition on Child Rights has also helped to set up child-led organisations, whose capacity in child rights, including on issues pertaining to Egyptian law and the CRC, needs to be strengthened.

There are an increasing number of international NGOs supporting child rights programmes in Egypt. Within Save the Children Alliance, SCUUK has a regional office in Cairo and runs inclusive education and child protection programmes mainly in Cairo and Alexandria, while Save the Children US implements health, nutrition, education, child protection and youth development programmes, many of which are located in the Upper Egyptian governorates of Minya and Assiut, and Save the Children Japan and Italy are increasingly interested in engaging in programme work in Egypt. Terre des Hommes is also expanding its protection programmes in the country, and Plan International is running a wide range of educational, participation and protection programmes. With the support of Save the Children and UNICEF, a network of International NGOs working on protection issues has been set up to coordinate efforts and to exchange experiences.

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<sup>123</sup> Internal document, Child Protection in Egypt, Save the Children UK, 2008

<sup>124</sup> "Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

<sup>125</sup> SCUUK, Op.Cit

**Table 3: Egypt, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Not ratified			
African Charter on Human and People's Rights	Ratification	16.11.1981	20.03.1984	03.04.84
Protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and People's rights	Signature Only	17.02.1999		
African Charter on the Rights and Welfare of the Child	Ratification	30.06.1999	09.05.2001	
African Youth Charter	No action			
Convention on the Rights of the Child	Ratification	05.02.1990	06.07.1990	02.09.1990
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Ratification		06.02.2007	06.03.2007
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Accession		12.07.2002	12.08.2002
ILO Convention N. 138 on Minimum Age	Ratification		09.06.1999	
ILO Convention N. 182 on Worst Forms of Child Labour	Ratification		06.05.2002	
Convention on the Elimination of All Forms	Ratification	28.09.1966	01.05.1967	04.01.1969



of Racial Discrimination				
International Covenant on Economic, Social and Cultural Rights	Ratification	04.08.1967	14.01.1982	14.04.1982
International Covenant on Civil and Political Rights	Ratification	04.08.1967	14.01.1982	14.04.1982
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Elimination of All Forms of Discrimination against Women	Ratification	16.07.1980	18.09.1981	18.10.1981
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Accession		25.06.1986	26.06.1987
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Accession		19.02.1993	01.07.2003
Convention on the Rights of Persons with Disabilities	Ratification	04.04.2007	14.04.2008	14.05.2008
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			
Convention relating to the Status of Refugees	Accession		22.05.1981	

## **Chapter 4: Iraq**

### **1. Context**

#### **1.1 Background**

The Republic of Iraq has a total population over 28.5 million, out of which nearly 13.7 million are under the age of 18.<sup>126</sup> The people of Iraq have experienced decades of political instability and conflicts. Following the overthrow of the monarchy in 1958 and a coup in 1968, Iraq became one of the centres of Arab nationalism under the control of the ruling Arab Socialist Renaissance (Ba'ath Party).<sup>127</sup> Saddam Hussein became president in 1979. Oil made the country rich, and provided the population with the highest level of health care and education services in the Arab world.<sup>128</sup>

However, the human rights record of the Ba'ath party was marred by numerous violations, including arbitrary arrests of suspected political opponents, executions of prisoners and brutal suppression of Kurdish and Shi'a uprisings.<sup>129</sup> The Committee on the Elimination of Racial Discrimination had expressed its deep concern over reports that Kurds (15 to 20 per cent of the population) and minorities such as Turcoman and Assyrians (5 per cent of the population)<sup>130</sup> had been subjected to forced relocation, denial of equal access to employment and educational opportunities and limitations in the exercise of their rights linked to the ownership of real estate.<sup>131</sup>

Successive conflicts (the war with Iran from 1980 to 1988, the Iraqi invasion of Kuwait in 1990 and the Gulf War in 1991) combined with the imposition of economic sanctions by the United Nations Security Council in August 1990 had a devastating effect on its economy and society. By 1995, UN agencies were reporting that the country was experiencing "pre-famine" conditions. While the UN Oil for Food Programme, under which Iraq was permitted to sell a limited amount of oil to finance the purchase of humanitarian goods, helped to meet some of the basic needs of people, the

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<sup>126</sup> "Iraq – Statistics", UNICEF, [http://www.unicef.org/infobycountry/iraq\\_statistics.html](http://www.unicef.org/infobycountry/iraq_statistics.html)

<sup>127</sup> "Country Profile Iraq", BBC News, [http://news.bbc.co.uk/2/hi/middle\\_east/country\\_profiles/791014.stm](http://news.bbc.co.uk/2/hi/middle_east/country_profiles/791014.stm)

<sup>128</sup> "Emergency Campaign on Iraq", Fact Sheet, Center for Economic and Social Rights (CESR), 10 August 2004

<sup>129</sup> "World Report 2001", Human Rights Watch, 2001, available at: <http://www.hrw.org/wr2k1/mideast/iraq.html>

<sup>130</sup> Population figures are from "Country Profile: Republic of Iraq", Foreign and Commonwealth Office, last updated 8 February 2007, <http://www.fco.gov.uk/en/about-the-fco/country-profiles/middle-east-north-africa/iraq>

<sup>131</sup> "Concluding Observations of the Committee on Elimination of Racial Discrimination: Iraq", International Convention on the Elimination of Racial Discrimination, 55<sup>th</sup> Session, CERD/C/304/Add.80, 12 April 2001

humanitarian situation in Iraq remained dire. Under-5 mortality rate more than doubled from 56 deaths per 1000 live births (1984-1989) to 131 deaths per 1000 live births (1994-1999).<sup>132</sup>

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. The new government faces an array of challenges, the chief among them security and civil order, with attacks by Sunni and Shi'a insurgents having cost the country billions of dollars in damages and lost revenues.

Shi'as make up 60 to 65 per cent of Iraqi population and Sunnis 32-37 per cent, while Christians and other minorities are around 3 per cent.<sup>133</sup> In the north, the semi-autonomous Kurdish Regional Government is vulnerable to conflicts between Turkish military and the Kurdistan Workers Party (PKK) movement.

According to the latest and largest survey of civilian deaths in Iraq, 151,000 people were killed between March 2003 and June 2006.<sup>134</sup> The number of Internally Displaced Persons (IDPs) has risen sharply largely because of sectarian violence or fighting between insurgents and US-led Multinational Forces (MNF). Prior to the invasion of 2003, about one million Iraqis were internally displaced by conflicts and by policies of Saddam Hussein to move certain ethnic groups.<sup>135</sup> The number of IDPs has now soared to over 2.5 million.<sup>136</sup> The UN Relief Agency reports that more than one million IDPs have no regular income, and some 300,000 have no access to clean water.<sup>137</sup> According to the Iraqi Red Crescent Organisation, about 60 per cent of the displaced are children, many under the age of 12. Children are particularly vulnerable to insecurity and many do not attend school and are sheltered in abandoned government buildings with no water or electricity, mosques, churches, or with relatives.<sup>138</sup>

It is estimated over two million Iraqis have sought refugee neighbouring countries, mainly in Syria (1.2 -1.4 million) and Jordan (500,000 - 750,000), but also in Lebanon, Egypt and further afield. In addition, there are more than 41,000 non-Iraqi refugees inside Iraq who have been severely affected by the deteriorating humanitarian situation. Palestinians, who comprise around 15,000 of the total refugee population in Iraq, have been particularly hard hit.<sup>139</sup>

## 1.2 Society and culture in regards to children

Although the rights of the child are increasingly a preoccupation of both civil society and the Government, Iraqi children have been physically and mentally traumatised by years of economic sanctions and political violence. A 2002 study reported that 40 per cent of Iraqi children think that life

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<sup>132</sup> "Iraq surveys show 'humanitarian emergency'", Information Newline, UNICEF, Wednesday, 12 August 1999, <http://www.unicef.org/newline/99pr29.htm>

<sup>133</sup> "Iraq", World Fact Book, CIA, 11 July 2006, available at <http://www.cia.gov/cia/publications/factbook/geos/iz.html>

<sup>134</sup> The survey, published in January 2008, was carried out by the World Health Organisation (WHO) and Iraq's Health Ministry. Quoted in "Carnage and Despair: Iraq Five Years On", Amnesty International, March 2008

<sup>135</sup> "Iraq, 5 Years On, A Nation of Refugees", Gina Chon, Wall Street Journal, March 17 2008

<sup>136</sup> "Global internal displacement crisis grew in 2007 – survey", Press Release, Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC), 17 April 2008, Geneva, available at <http://www.internal-displacement.org>

<sup>137</sup> "Internal Displacement in Iraq", Briefing Notes, United Nations High Commissioner for Refugees, 8 Apr 2008

<sup>138</sup> "The Internally Displaced People in Iraq", Update 32, Iraqi Red Crescent Organization, 26 March 2008

<sup>139</sup> This paragraph is extracted from "Iraq Situation", UNHCR Global Appeal 2008-2009", United Nations High Commissioner for Refugees, 1 Dec 2007

is not worth living.<sup>140</sup> While communities generally strive to protect Iraqi children from the devastations of the ongoing conflict, there are increasing reports of parents abandoning their children out of desperation "because they're becoming a liability."<sup>141</sup> Reports of increased incidences of girls and boys being kidnapped or recruited to fight in militias suggest a worrying trend of culture of violence against children.

## **2. Status of the Rights of the Child<sup>142</sup>**

The United Nations Convention on the Rights of the Child (CRC) entered into force in Iraq on 15 July 1994. Upon accession, Iraq made a reservation on Article 14 of the CRC. The country is not party to the two Optional Protocols of the CRC on the Sale of Children, Child Prostitution and Child Protocol, and on the Involvement of Children in Armed Conflict.

Iraq submitted the initial report on the implementation of the CRC to the Committee on the Rights of the Child on 6 August 1996. The second periodic report was due on 14 July 2001, but has yet to be submitted. Upon review of the initial report in 1998, the Committee on the Rights of the Child noted the embargo imposed by the Security Council had adversely affected the economy and many aspects of daily life, thereby impeding the full enjoyment of children to their rights to survival, health and education.<sup>143</sup> It welcomed the development of National Plan of Action for Children, the programme for reproductive health implemented by the Association for Family Planning and the Ministry of Health, as well as the Mother and Child Unit established within the Central Statistical Office.

The Committee also welcomed the introduction of compulsory education and the development of a programme to combat illiteracy. It also issued, amongst others, the following recommendations:

- Review the reservation to article 14 with a view to its withdrawal.
- Take all appropriate measures to engage in a process of law reform, for example, by enacting a children's code to ensure full compliance with the CRC. .
- Strengthen the Child Welfare Authority by increasing its budgetary allocations, as well as its power and authority to implement the CRC.
- Strengthen coordination between the various government bodies involved in children's rights and ensure closer cooperation with NGOs working on child rights.
- Establish a database on children and set up an independent mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations.
- Raise the legal minimum age of voluntary enlistment into the armed forces in the light of international human rights and humanitarian law.
- Ensure that the general principles of the CRC, namely non-discrimination, best interests of the child, right to life, survival and development, and respect for the views of the child, are

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<sup>140</sup> "Making Children's Rights Work: Country Profile on Iraq", International Bureau for Children's Rights (IBCR), 2007

<sup>141</sup> See <http://www.cnn.com/2007/WORLD/meast/11/09/iraq.children/index.html> for more information

<sup>142</sup> Information on the status of CRC ratification and reporting is from the United Nations Office of the High Commissioner for Human Rights website:<http://www.ohchr.org/EN/countries/MENARegion/Pages/IQIndex.aspx>

<sup>143</sup> "Concluding Observations of the Committee on the Rights of the Child: Iraq", UN Convention on the Rights of the Child, Committee on the Rights of the Child, 19<sup>th</sup> Session, CRC/C/15/Add.94, 26 October 1998

reflected in legal revision and judicial and administrative decisions as well as development and implementation of all programmes impacting upon children.

- Amend domestic legislation to guarantee that the acquisition of Iraqi nationality is determined in the light of the principles of the CRC.
- Explicitly prohibit corporal punishment in domestic legislation.
- Undertake studies on ill-treatment and abuse, including sexual abuse, adopt adequate measures and policies, properly investigate cases of abuse and ill-treatment of children, including sexual abuse within the family, and apply sanctions to perpetrators.

The new Iraqi Constitution, approved by a referendum that took place on 15 October 2005 endorses the UN CRC. However, the upholding of the CRC within a context of high political instability, rampant violence and institution building, has proved challenging for the new government. The ongoing conflict and displacement are now putting 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 UNICEF.<sup>144</sup> Children living with disabilities comprise 15 per cent of children.<sup>145</sup>

### 3. Status of the Right to Protection

The new Iraqi Constitution 'guarantees the protection of motherhood, childhood and old age and shall care for children and youth and provides them with the appropriate conditions to further their talents and abilities'. Children have right over their parents in regard to upbringing, care and education. All forms of violence and abuse in the family, school and society are prohibited, and economic exploitation of children is prohibited.<sup>146</sup> In 2007, UNICEF invested US\$ 2 million in child protection.<sup>147</sup>

However, in practice, poverty, hardship, violence and insecurity have led to an erosion of child rights. Children have been physically and mentally traumatised by decades of conflicts and political violence. A report by the World Health Organisation in March 2007 found that 30 per cent of Iraqi children were showing classic signs of anxiety and distress, including bedwetting, poor concentration and violence.<sup>148</sup>

The ongoing conflict has split communities, while military operations, insurgency, criminal and political violence have taken the lives of tens of thousands of children, and **orphaned** numerous children. According to a 2005 report issued by the US Agency for International Development (USAID), there were some 5,000 orphans in the capital alone, many of whom have been ostracised by society and have little hope of finding education or shelter.<sup>149</sup>

The number of **abandoned children** has also increased, and these children are particularly vulnerable to abuse and exploitation. In 1998, the Committee on the Rights of the Child had

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<sup>144</sup> "UNICEF concerned at conditions for orphans and vulnerable children in Iraq", Press Centre, UNICEF, 22 June 2007, Amman/Geneva/New York, available at [http://www.unicef.org/infobycountry/media\\_40071.html](http://www.unicef.org/infobycountry/media_40071.html)

<sup>145</sup> 1999-2006 Data, "Iraq – Statistics" UNICEF, Op. Cit

<sup>146</sup> "Final Draft Constitution of Iraq", available at:

[http://portal.unesco.org/ci/en/files/20704/11332732681iraqi\\_constitution\\_en.pdf/iraqi\\_constitution\\_en.pdf](http://portal.unesco.org/ci/en/files/20704/11332732681iraqi_constitution_en.pdf/iraqi_constitution_en.pdf)

<sup>147</sup> "Iraq's Children – 2007: A Year in their Life", UNICEF, 2007

<sup>148</sup> Quoted in "Iraq External Situation Report – March 2007", UNICEF, April 2007

<sup>149</sup> Quoted in "Iraq: Ministry copes with rising numbers of orphaned children", IRIN, 18 April 2006, Baghdad

expressed, its concern about the situation of children living and/or working on the streets, particularly as it relates to economic and sexual exploitation, and had encouraged the government to increase preventive measures and its efforts to ensure the rehabilitation and reintegration of these children.<sup>150</sup> According to the NGO Coordination Committee in Iraq (NCCI), the deteriorating economic situation in Iraq is the main reason for the increase in the number of street children since the occupation of the country began in 2003.<sup>151</sup> An estimated 11 per cent of children aged 5 to 14 years of age work,<sup>152</sup> despite the ban on **child labour**.

Girls are particularly vulnerable to violence, such as abductions, trafficking, 'honour killing' or rape. Although there are no reliable data on the prevalence of **sexual exploitation**, there are indications that it has been on the rise since the onset of the current conflict. The Organisation for Women's Freedom in Iraq, based in Baghdad, estimates from anecdotal evidence that more than 2,000 Iraqi women have gone missing between 2003 and 2006.<sup>153</sup> The US Trafficking Report states that children are trafficked for commercial sexual exploitation; criminal gangs may have targeted young boys and staff of private orphanages and may have trafficked young girls for forced prostitution within Iraq and abroad.<sup>154</sup> Despite positive legal environment prohibiting sexual and economic exploitation of children and violence against children, 'children victim of violence do not have access to legal mechanisms that exist to help them, they do not even dare sue their perpetrators', reports the International Bureau for Children's Rights.<sup>155</sup> Husbands, brothers, fathers or sons reportedly carry out the majority of violent acts in the home, which often go under-reported.

In Northern Iraq, the practices of **honour killings** and **female genital mutilation** are prevalent. Honour killings in the Kurdish region rose from 106 in 2005 to 266 the following year, according to the region's Human Rights Ministry.<sup>156</sup> A 2005 survey by WADI, a German NGO, had found that 60 per cent of women and girls aged older than 10 had undergone the operation.<sup>157</sup> Women's organisations have been advocating for legislation that will criminalise FGM, and a draft Law prohibiting FGM has been submitted to the Kurdish Regional Parliament.

The **juvenile justice** system in Iraq has suffered from neglect and disruption caused by 25 years of crises and conflicts, reports UNICEF. As of 2007, an estimated 900 to 1,350 children may have been detained in Iraqi jails for conflict with the law.<sup>158</sup> According to Prisoners' Association for Justice (PAJ), child prisoners between 13 and 17 are being accused of supporting insurgents and militias.<sup>159</sup> In prisons, detention centres and police stations under the control of the Iraqi security forces, torture

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<sup>150</sup> "Concluding Observations", Committee on the Rights of the Child, Op. Cit

<sup>151</sup> "Iraq: Child beggars proliferate in Baghdad", IRIN News, IRIN, 11 Feb 2007, Baghdad

<sup>152</sup> 1999-2006 Data, "Iraq – Statistics" UNICEF, Op. Cit

<sup>153</sup> Quoted in "Stolen Away", Brian Bennett, TIME, 23 April 2006, available at:  
<http://www.time.com/time/magazine/article/0,9171,1186558,00.html>

<sup>154</sup> "U.S. State Dept Trafficking in Persons Report", US State Department, June 2007

<sup>155</sup> International Bureau for Children's Rights, Op. Cit

<sup>156</sup> Quoted in "Honour killing outcry in Iraq", Azeez Mahmoud (IWRP), Middle East Times, 25 February 2008,  
[http://www.metimes.com/International/2008/02/25/honor\\_killing\\_outcry\\_in\\_iraq/3275/](http://www.metimes.com/International/2008/02/25/honor_killing_outcry_in_iraq/3275/)

<sup>157</sup> "Iraqi Kurdistan: Draft for a Law Prohibiting Female Genital Mutilation is submitted to the Kurdish Regional Parliament", Stop FGM in Kurdistan, 23. November 2007, Suleymaniya/Berlin <http://www.stopfgmkurdistan.org/en/press2.htm>

<sup>158</sup> "Iraq: Around 1,350 children languishing in jails", Khaleej Times, 10 April 2008, available at:

<http://crin.org/resources/infoDetail.asp?ID=16916&flag=news>

<sup>159</sup> "Iraq: Child Prisoners Abused and Tortured, says Activists", IRIN News, IRIN, 26 October 2007

and other ill-treatment of detainees, including children, are widespread.<sup>160</sup> In April 2006, following a request for technical support by the Ministry of Labour and Social Affairs, a workshop on juvenile justice was organised by UNICEF and the government to develop strategies, policies, programmes and initiatives, with the aim of providing quality services at international standards oriented toward securing a more protective environment for children.<sup>161</sup>

**Landmines and explosive remnants of war** (ERW) 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.<sup>162</sup> In addition, there has been a spreading of the phenomenon of children being **recruited by armed forces** or abducted by Al-Qaeda.<sup>163</sup>

#### 4. Status of the Right to education

Basic education has been compulsory and free of charge since 1976. The previous Constitution of Iraq stipulated that the state should safeguard the right to free education at the various primary, secondary and university levels for all citizens. The new constitution guarantees the right 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.

The education system in Iraq, prior to 1991, was one of the best in the region with over 100 per cent Gross Enrolment Rate for primary schooling and high levels of literacy, both of men and women, according to the UN.<sup>164</sup> Enrolment rates however have significantly due to economic sanctions and subsequently, war. Net Enrolment Rate for primary schooling is now estimated at 94 per cent for boys and 81 for girls; Net Enrolment Rate for secondary schooling at 44 and 31 per cent respectively.<sup>165</sup>

Iraq's education system is now dangerously on the verge of collapse, with many schools not operating normally, especially in Baghdad and surrounding governorates. Violence and insecurity are preventing many students from attending schools and have led to a severe shortage in school teachers. Human Rights Watch reports that girls are particularly vulnerable to sexual violence in both the school environment from classmates and teachers, as well as from members of the community as they travel between their homes and schools, and has documented the effect of such violence in undermining girls' access to education.<sup>166</sup>

IDP pupils also drop out of schools as a result of the economic situation of their families and difficulties in transferring their official documents to the schools in their new neighbourhoods. In

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<sup>160</sup> Amnesty International, March 2008, Op. Cit.

<sup>161</sup> "Reduce Vulnerabilities that Push Iraqi Children to the Edge, Says UNICEF", Press Centre, UNICEF, 13 April 2006, available at [http://www.unicef.org/media/media\\_33369.html](http://www.unicef.org/media/media_33369.html)

<sup>162</sup> "Update for Partners on the Situation of Children in Iraq", First Quarter 2008, UNICEF, 2008

<sup>163</sup> Idem

<sup>164</sup> "UNESCO and Education in Iraq", United Nations Educational Scientific and Cultural Organisation, 28 March 2003

<sup>165</sup> 2000-2006 Data, "Iraq – Statistics", UNICEF, [http://www.unicef.org/infobycountry/iraq\\_statistics.html](http://www.unicef.org/infobycountry/iraq_statistics.html)

<sup>166</sup> "Failing Our Children: Barriers to the Right to Education", Human Rights Watch, 2005, available at <http://hrw.org/reports/2005/education0905/education0905.pdf>

order to increase school enrolment rates, the Ministry of Education has facilitated the transfer of the documents of IDP children to schools in host communities. However, schools in the areas are overcrowded and poor economic situation of IDPs means that many children, especially girls, have not returned to school.<sup>167</sup>

Over 800,000 children may now be out of school according to a recent estimate up from 600,000 in 2004.<sup>168</sup> In 2007, only 28 per cent of Iraq's 17 year olds sat their final exams in summer, and only 40 per cent of those sitting exams achieved a passing grade in South and Central Iraq.<sup>169</sup>

The Ministry of Education, with the support of UN agencies and the World Bank, is developing a multi-year sector strategy for education.<sup>170</sup> In 2007, UNICEF invested over US\$ 22 million in the education sector<sup>171</sup>, the US Government is allocating US\$373.2 million to build 1,885 schools, repair 1,604 others and purchase school supplies.<sup>172</sup>

### **5. Stakeholder (duty-bearers) analysis – civil society**

The Government: The rights of the child are a preoccupation of both civil society and the Government, and the first conference on children's rights was held on November 30th, 2004, in coordination with UNICEF and the Child Welfare Commission.<sup>173</sup> The new Iraqi Government has explicitly stated its commitment to child rights, by working in cooperation with civil society organisations and United Nations agencies, and by enacting new legislation, or by strengthening existing laws to protect and promote all children's rights, especially in the area of exploitation and abuse.<sup>174</sup> UNICEF and the World Bank are working to promote child rights, to support legislative reform for the protection of children and to institutionalise national child rights monitoring mechanisms in compliance with international norms.<sup>175</sup>

Civil Society: Since the fall of Saddam's regime, the number of Iraqi NGOs, including human rights organisations has risen dramatically. The British Department for International Development (DFID) has been supporting Iraqi civil society.<sup>176</sup> Civil society groups work in difficult circumstances and often lack resources and training. The underlying problem is poor security. Despite the challenging environment, community-based organisations continue to provide welfare services, while women's groups, especially in Iraqi Kurdistan, have been active in legislative advocacy.

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<sup>167</sup> Iraqi Red Crescent Organisation, Op. Cit.

<sup>168</sup> "New classroom supplies give welcome boost to Iraq's schoolchildren", Press Centre, UNICEF, 14 February 2007, Amman

<sup>169</sup> "Little respite for Iraq's children in 2007", UN Press Centre, UNICEF, 21 December 2007, Erbil/Amman/Geneva

<sup>170</sup> Update for Partners on the Situation of Children in Iraq, UNICEF, Op. Cit

<sup>171</sup> "Iraq's Children – 2007: A Year in their Life", UNICEF, 2007

<sup>172</sup> "Iraqi health care, education projects total nearly \$1 billion", Press Release, John J. Kruzell American Forces Press Service, 4 February 2008, Washington

<sup>173</sup> "Making Children's Rights Work: Country Profile on Iraq", International Bureau for Children's Rights (IBCR), 2007

<sup>174</sup> "General Assembly urges stepped up effort to meet 'World Fit for Children' pledges, as high-level review of 2002 special session concludes at Headquarters", Sixty-second General Assembly, Press Release, United Nations General Assembly, 13 December 2007

<sup>175</sup> More information on UNICEF Country Programme 2007-2010 is available at

[http://www.unicef.org/about/execboard/files/Iraq\\_matrix.pdf](http://www.unicef.org/about/execboard/files/Iraq_matrix.pdf), information on the World Bank project is available at <http://siteresources.worldbank.org/IRFFI/497779-1194021373019/21539288/StandardFormatProjectC9-21.pdf>

<sup>176</sup> "Country Profile – Iraq", Department for International Development (DFID), Last updated 17 April 2007,

<http://www.dfid.gov.uk/countries/asia/iraq-civil-society.asp>



There are a number of Iraqi organisations working on child rights issues. The Iraqi Child Rights Network was launched in 2007, with the support of Save the Children, in recognition of the fact that Iraqi Children are being deprived of those rights enshrined by the CRC. The Network calls on the Iraqi Government ministries to activate and abide by laws effecting children and use all possible means to protect children and prevent violations of their rights.<sup>177</sup> The Al-Mahaba for Orphans Organisation, Cultural Center for Human Rights, International Friendship Society also promote on child welfare and protection.<sup>178</sup> The NGO Coordination Committee in Iraq (NCCI), an umbrella group of 80 local and international NGOs, is located in Amman.

One of the main challenges facing international NGOs has been the relationship with occupying powers. 'In 2003, the arrival en masse of NGOs reinforced the popular perception that civil society is inextricably linked to the occupying military forces. In the current atmosphere of mistrust this misperception is still widespread', reports the International NGO and Training Centre.<sup>179</sup> Many international NGOs have relocated to nearby countries and evacuated international staff following kidnappings and bombings. NGOs in Iraq operate with extreme caution and discretion, struggling to continue operations while trying to maintain neutrality.<sup>180</sup>

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<sup>177</sup> "Iraq: Child Rights Network Launched", Child Rights Information Network (CRIN), 12 July 2007, available at: [http://www.crin.org/email/crinmail\\_detail.asp?crinmailID=2282#ir](http://www.crin.org/email/crinmail_detail.asp?crinmailID=2282#ir)

<sup>178</sup> Additional information is available at: <http://crin.org/reg/country.asp?ctryID=100&subregID=13>

<sup>179</sup> "Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

<sup>180</sup> "Iraq: Divergent views over relationship between NGOs and Coalition", IRIN News, IRIN, May 6, 2005

**Table 4: Iraq, Regional and International Instruments**

<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Arab Charter on Human Rights	Not ratified			
Convention on the Rights of the Child	Ratification		15.06.1994	15.07.1994
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	No action			
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	No action			
ILO Convention N. 138 on Minimum Age	Ratification		13.02.1985	
ILO Convention N. 182 on Worst Forms of Child Labour	Ratification		09.07.2001	
Convention on the Elimination of All Forms of Racial Discrimination	Ratification	18.02.1969	14.01.1970	13.02.1970
International Covenant on Economic, Social	Ratification	18.02.1969	25.01.1971	03.01.1976

and Cultural Rights				
International Covenant on Civil and Political Rights	Ratification	18.02.1969	25.01.1971	23.03.1976
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Elimination of All Forms of Discrimination against Women	Accession		13.08.1986	12.09.1986
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	No action			
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families				
Convention on the Rights of Persons with Disabilities				
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages				
Convention relating to the Status of Refugees	No action			

## **Chapter 5: Jordan**

### **1. Context**

#### **1.1 Background**

The Hashemite Kingdom of Jordan is a constitutional monarchy, with a population of 5.7 million inhabitants, out of which 2.5 million are under the age of 18.<sup>181</sup> Despite limited natural resources and regional instability – the Gulf Wars, the occupation of Iraq and the volatile situation of the Occupied Palestinian Territories – Jordan’s economy has shown strong performance, with an average growth of 7 per cent in 2007.<sup>182</sup> The population enjoys a gross national income per capita of US\$2,290.<sup>183</sup> High government spending on social sectors, equivalent to 25 per cent of economic output, has resulted in tangible improvements in welfare and the country now ranks 86<sup>th</sup> out of 177 countries on Human Development Index.<sup>184</sup>

Following the death of King Hussein in 1999, King Abdullah accelerated the pace of economic liberalisation, and introduced economic reforms that went beyond the requirements of the initial structural adjustment programs of the 1980s.<sup>185</sup> Economic reforms however, have not been without severe negative consequences, especially on the most vulnerable segments of society. For example, the recent removal of fuel and barley subsidies has increased the price of basic food commodities, deepening the plight of people living in poverty.<sup>186</sup> 14 per cent of the population now live below the national poverty line, and 11 out of 73 sub-districts witness a poverty incidence above 35 per cent.<sup>187</sup>

Political liberalisation has been slow. Political parties in Jordan do exist in principle, but their political role has not been changed by either the June 2003 elections or subsequent parliamentary activity; and political parties and civic groups can only marginally associate and assemble.<sup>188</sup> Human rights record of the country is still poor. The United Nations Special Rapporteur on Torture has stated that

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<sup>181</sup> “At a Glance: Jordan”, UNICEF, [http://www.unicef.org/infobycountry/jordan\\_statistics.html#27](http://www.unicef.org/infobycountry/jordan_statistics.html#27),

<sup>182</sup> “Country Brief: Middle East and North Africa Region– Jordan”, World Bank, available at: <http://siteresources.worldbank.org/INTJORDAN/Resources/JORDAN-ENG2007AM.pdf>,

<sup>183</sup> *Idem*

<sup>184</sup> “Country Fact Sheet: Jordan, Human Development Index”, United Nations Development Programme

<sup>185</sup> For background information, see “Jordan Guide”, OneWorld.net, <http://uk.oneworld.net/guides/jordan/development>

<sup>186</sup> “Jordan’s inflation rises 9 per cent after subsidies end”, Middle East Business Intelligence (MEED), 10 March 2008,

<sup>187</sup> “Country Assistance Strategy”, World Bank, April 2006

<sup>188</sup> See “Bertelsmann Transformation Index Country Report – Jordan 2006”, available at <http://www.pogar.org>

torture is both widespread and routine in Jordan, especially to extract confessions from terrorism suspects, while security forces, especially the General Intelligence Department, enjoy total impunity. Amnesty International reports that torture, ill-treatment and prolonged detention without trial persist, while freedom of expression, assembly and association are restricted by law and women continue to suffer from discrimination, domestic violence and “honour killings”.<sup>189</sup>

The National Study on Disadvantaged Children<sup>190</sup> indicates that vulnerable groups include: children living with disabilities (estimated at 230,000), working children including those that have dropped out of school, children in conflict with the law (33,000 children were arrested or came into contact with police during the period 1999 to 2001), orphaned children (20,000, out of which 1,136 were placed in institutions in 2003) and refugee children. Children coming from a large family of six or more are more likely to be vulnerable to poverty, and children living with disabilities are less likely to benefit from social services.<sup>191</sup> Systematic analysis of the effects of budgetary allocations on the realisation of the rights of the child needs to be carried out.

There are over 500,000 Iraqi refugees in Jordan, making it one of the top refugee-hosting countries.<sup>192</sup> Many of the 200,000 school-age Iraqi children suffer major gaps in accessing social services. Many of the Palestinian refugee children – an estimated 644,000 children under the age of 18 are registered with the UN Relief and Works Agency for Palestine Refugees in the Near East<sup>193</sup> – are able to access UNRWA primary schools and governmental secondary education.<sup>194</sup> However, Palestinian camp refugee communities are significantly poorer than their host communities, with some 31 per cent of the Palestinian refugee camp population living below the poverty line.<sup>195</sup> Moreover, the Committee on the Rights of the Child has also expressed its concerns that Palestinian children living in unofficial refugee camps experience disparities in the enjoyment of the right to education and health.<sup>196</sup>

## 1.2 Society and culture in regards to children

Respect for the views of girls and boys remains limited owing to traditional societal attitudes towards children within the family and the community at large. Due to prevailing gender stereotypes, girls enjoy less freedom and are more vulnerable to discrimination and abuse. Attitudes of parents and teachers often serve to reinforce traditional gender roles. Furthermore, the Committee of the Rights

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<sup>189</sup> “Amnesty International Report 2008 – Jordan”, Amnesty International, 28 May 2008

<sup>190</sup> “Jordan Country Study of Disadvantaged Children”, the National Council for Family Affairs, with support of World Bank, Hashemite Kingdom of Jordan, Amman, May 2004

<sup>191</sup> “Concluding Observations: Jordan” Consideration of Reports Submitted by State Parties, Committee on the Rights of the Child, 29 September 2006

<sup>192</sup> “Protecting Refugees and the Role of UNHCR, 2007-2008”, United Nations High Commissioner for Refugees, 2007. Some estimate that 1 million Iraqis now live in Jordan.

<sup>193</sup> All Palestine refugees in Jordan have full Jordanian citizenship with the exception of about 120,000 refugees originally from the Gaza Strip, who are eligible for temporary Jordanian passports, which do not entitle them to full citizenship rights. For more information, see UNRWA website: <http://www.un.org/unrwa/refugees/jordan.html>

<sup>194</sup> Unless otherwise stated information on Palestinian refugee children is from “Situation Analysis – the Rights of Palestinian Refugee Children”, Institute of Public Management, report commissioned by Save the Children Sweden

<sup>195</sup> Studies quoted in “Situation Analysis - The rights of Palestinian refugee child”, Institute of Public Management, study commissioned by Save the Children Sweden

<sup>196</sup> “Palestinian Refugee Children: International Protection and Durable Solutions”, Information & Discussion Brief Issue No. 10, December 2006, BADIL

of the Child notes that Jordanian women cannot except under special humanitarian circumstances, transmit their nationality to their children born from a marriage with a non-Jordanian man, which in some cases may result in statelessness.<sup>197</sup>

## 2. Status of the Rights of the Child<sup>198</sup>

The United Nations Convention on the Rights of the Child (CRC) was signed by Jordan on 29 August 1990 and entered into force on 23 June 1991. In September 2000, the country signed the Optional Protocol relating to Sale of Children, Child Prostitution and using Children in Pornography; and Optional Protocol on the Involvement of Children in Armed Conflicts. The country has also signed up to the Charter on the Rights of the Arab Child of the League of Arab States, and the Arab Charter on Human Rights.

Upon signature of the CRC, Jordan expressed its reservations on articles 14, 20 and 21 in relation to freedom of thought with respect to religion, foster care for children and adoption procedures for children. The government considers that the articles 'are at variance with the precepts of the tolerant Islamic *Shariah*', and that the reservations to articles 20 and 21 are necessary for the protection of the rights of the child in preserving his or her name and identity.<sup>199</sup>

Jordan submitted its initial report to the Committee on the Rights of the Child in 1993, its second report in 1998, and the third report in 2005. Child Helpline International, Human Rights Watch, the Global Initiative to End all Corporal Punishment of Children and the National Centre for Human Rights submitted alternative reports. Jordan's fourth and fifth periodic reports are due on 22 December 2011.

Upon review of Jordan's third periodic report, the Committee on the Rights of the Child welcomed the establishment of plans aiming to promote the rights of the child, such as the 2004-2013 Jordanian National Plan of Action for Children, the 2003-2007 Early Childhood Development Strategy in Jordan, the 2003-2007 Plan of Action, the National Youth Strategy for Jordan for the years 2005-2009. The Committee recommended that the government provide sufficient resources for the implementation of the implementation of the plans, and ensure better intra-governmental coordination and civil society participation.<sup>200</sup> The other major recommendations of the Committee of the Rights of the Child were:

- Withdraw reservations to articles 14, 20 and 21 of the CRC 'since there appears to be no contradiction between logic behind it and the provisions of articles 20 and 21...which expressly recognise *kafalah* of Islamic law as alternative care'.

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<sup>197</sup> In response, the government states that Paragraph 4 of article 3 of the Act stipulates that any child born in the Hashemite Kingdom of Jordan to a mother possessing Jordanian nationality and a father whose nationality is unknown or who has no nationality shall possess Jordanian nationality, "Jordan Third Periodic Report, Consideration of Reports Submitted by State Parties Under Article 44 of the Convention on the Rights of the Child", Committee on the Rights of the Child, CRC/C/JOR/3, 2 March 2006

<sup>198</sup> Information on the status of CRC ratification and reporting is from the United Nations Office of the High Commissioner for Human Rights website: <http://www.ohchr.org/EN/countries/MENARRegion/Pages/JOIndex.aspx>

<sup>199</sup> "Jordan Third Periodic Report", Op. Cit

<sup>200</sup> Concluding Observations, Op.Cit

- Ensure that the national legislation is fully in line with the provisions of the CRC, and expedite adoption of the Child Rights Act, submitted to the National Assembly in 2004.
- Ensure effective implementation of the Personal Status Law No. 82 of 2001 which sets the minimum age for marriage at 18 years for both sexes.
- Abolish the discriminatory classification of children as “illegitimate”
- Adopt a proactive strategy to eliminate de facto discrimination against all vulnerable groups of children, including children living with disabilities, and prioritise social and health services for children belonging to the most vulnerable groups;
- Address problems faced by the girl child, and to campaign and raise awareness among the population regarding the equality of girls and boys;
- Review provisions of the Penal Code with a view to eliminating all provisions for reductions in sentence for crimes committed for “honour”, and prohibiting corporal punishment.

### 3. Status of the Right to Protection

The government has undertaken an array of initiatives to protect children from violence, exploitation and abuse, and has made some efforts to increase **allocation of resources** to child protection initiatives. In 2006, government programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour, was estimated at 836,000 Jordan Dinars (equivalent to nearly 1.2 million USD)<sup>201</sup>; programmes for childcare institutions and children in need for alternative forms of care amounted to 476,000 Jordanian Dinars (over 672,000 USD).<sup>202</sup> The 2004-2013 Jordanian National Plan of Action for Children highlights the need to protect children at risk of abuse through prevention measures and through provision of quality services such as shelters, counselling, healthcare, and legal aid.

The **Jordanian Penal Code** contains provisions that severely punish violence towards children, particularly sexual exploitation, and the 2004 Draft Child Bills Act, still awaiting adoption by the National Assembly, will make punishments even tougher. Already, the amendments introduced to the Juveniles Act No.24 of 1968 were specifically made to guarantee protection and care for children who are exposed to abuse by one or both parents.<sup>203</sup> The Juvenile Act No. 11 mandates judges the right to supervise and inspect juvenile centres affiliated with the Ministry of Social Development every three months.<sup>204</sup>

While there are **no comprehensive national systems** for the detection, reporting, referral and intervention for children victims of abuse, there are a number of programmes such as those implemented by the Family Protection Department (FPD), part of the Public Security Directorate, which investigates and handles cases of sexual violence and abuse of children, and Ministry of Health-initiated Child Protection Committees at major public hospitals whose role is to investigate suspected cases of child abuse. In 2000, the Jordan River Foundation, with the support of Ministry of Social Development, set up Dar Al Aman, a specialised centre for the protection of abused children.

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<sup>201</sup> Exchange rate of June 2008

<sup>202</sup> “Written Replies by the Government of the Hashemite Kingdom of Jordan to the List of Issues to be taken up in consideration of the third periodic report of Jordan by the Committee on the Rights of the Child”, CRC/C/JOR/Q/3/Add.1, 22 August 2006

<sup>203</sup> Third Periodic Report, the Government of the Hashemite Kingdom of Jordan, Op.Cit

<sup>204</sup> “The NGOs Supplementary Report on the 3<sup>rd</sup> Jordanian Official Report on CRC”, National Center for Human Rights (NCHR), Jordan, March 2006

Children however continue to be vulnerable to abuse and violence, especially in homes. There are no reliable data on the prevalence of domestic violence – the only available data are the number of children whose cases are treated or received assistance. For example, in 2005, the FPD dealt with 622 cases of sexual assaults involving children, and 97 cases of physical assaults of minors.<sup>205</sup> Due to societal and family pressures, the **reporting of child abuse** and prosecutions against perpetrators are low. In addition, under Jordanian penal code, complaints from a child can only be accepted if the parents or guardian supports them, while complaints from third parties – teachers and social workers – are not accepted.<sup>206</sup> The Committee on the Rights of the Child has expressed its concern about the lack of research on the impact of legal measures to address violence against children, and the general absence of reliable data and information.

A number of NGOs have also raised concerns about the current legislation, in particular article 62 of the Jordanian Penal Code, which specifies that **corporal punishment** can be used ‘within limits’ by parents or guardians for disciplining their children. An all-inclusive ban of corporal punishment has not been included in the draft Child Rights Act. In addition, concerns have been raised about Article 97 which allows the guardian of an abused child to drop charges against perpetrators, and articles 340, 98 and 99, which accords lenience to **“honour” crimes**, with sentences not severe enough to have a deterring effect.<sup>207</sup>

Jordan has ratified the International Labour Organisation’s Conventions Concerning Minimum Age for Admission to Employment (Number 138) and the Prohibition and Immediate Action for the Elimination of the **Worst Forms of Child Labour** (Number 182). In 2003, the country developed the National Strategy for the Elimination of Worst Forms of Child Labour. The Jordanian Law prohibits compulsory labour and sets the minimum working age at 16 years, except for apprentices. Pursuant to the amendments to the Labour Code, children under 18 years may not work in hazardous settings, where workers, for example, may be exposed to noise, radiation or dust. Working children must rest after four hours of work, and may not work more than six hours per day during weekends and holidays or at night.

Despite donor-funded child labour programmes, employment of children has steadily grown in recent years, especially in agriculture.<sup>208</sup> Moreover, there are categories of children who are explicitly excluded from the Labour Code, namely domestic workers, agricultural workers and children in small family enterprises. The Labour Law also does not set a minimum age for professional training for children.

There are no reliable data on the prevalence of child labour, with estimates varying from tens of thousands to 290,000.<sup>209</sup> The government is currently working on a survey to determine the prevalence and nature of child labour. It estimates that there are at least 38,000 working children, and inspectors at the Ministry of Labour have set a 2008 target to remove about 3,000 children from

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<sup>205</sup> “Written Replies, the Government of the Hashemite Kingdom of Jordan”, Op.Cit

<sup>206</sup> “Commercial Sexual Exploitation of Children: MENA Region”, Second World Congress Against Commercial and Sexual Exploitation, UNICEF, 24-26 October 2001

<sup>207</sup> “Making Children’s Rights Work: Country Profile on Jordan”, International Bureau for Children’s Rights, 2007

<sup>208</sup> Committee on the Rights of the Child, Op.Cit

<sup>209</sup> According to a 2002 UNICEF and Public Statistic Department survey, 5.5% of children aged 10-14 are working. Public Statistic Department study in 2003 showed that 36.4% of children under 17 years old are working.



the labour market, many of whom, they say, are subjected to physical and sexual abuse, and work in hazardous jobs.<sup>210</sup> In order to decrease incidences of exploitative child labour, a Code of Conduct has been initiated in areas known to have a high concentration of child labour. However, the conduct has no legal power and depends on the moral obligation of employers.<sup>211</sup>

Working children are mainly located in Amman, Zarka, Irbid and Balqa, and are concentrated in automobile repair, carpentry, sales, tailoring and food services sector.<sup>212</sup> Many work under exploitative conditions, with low wages and average working hours per week of 60 to 65. Current labour inspection mechanisms are inadequate in terms of their frequency, scope, outreach, and quality of reporting. Most working children work in establishments employing five workers or less, over which labour inspectors have no jurisdiction.

#### **4. Status of the Right to Education**

Article 10 of the Education Act No. 3 of 1994 guarantees all children access to education, with free and compulsory education up to the age of 16. The law prohibits corporal punishment in schools. In 2006, the government allocated nearly 20 per cent of government budget, to pre-school, primary and secondary education.<sup>213</sup>

Gross primary school enrolment rate are high for both girls and boys, averaging 98 per cent; net primary school enrolment rates are 90 for girls and 88 for boys.<sup>214</sup> Net secondary school enrolment however falls to some 80 per cent for girls and 77 per cent for boys. While Palestinian refugees have generally good access to educational services, Iraqi refugees have had difficulties accessing public education, despite the fact that the 'Jordanian law contains a number of provisions under which non-Jordanians are granted the same rights as Jordanians'.<sup>215</sup> According to Human Rights Watch, Iraqi nationals in Jordan consistently identified lack of access to education as a major problem facing their children, with just under 10 per cent of the children having attended schools in 2006. In 2007, Jordan agreed to allow displaced Iraqi children without residency permits to enrol in public school.<sup>216</sup> However, a recent survey found that only 60 per cent of Iraqi children in the poorest wealth group are enrolled in school, with enrolment rates particularly low among non-Muslim Iraqi population.<sup>217</sup>

There are few effective measures to prevent student absences, and there are no penalties for guardians who do not send their children to school. Total number of children dropping out of school is estimated to range from 85,000 to 94,000.<sup>218</sup> In addition to concerns about children leaving school before completing their secondary education, the Committee on the Rights of the Child has expressed concerns about quality of education offered, naming 'school shifts, the lack of schooling

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<sup>210</sup> "Jordan: Plan to remove 3,000 children from labour market in 2008", IRIN News, 17 March 2008

<sup>211</sup> "Code of conduct to fight child labour launched" IRIN News, 10 July 2007

<sup>212</sup> Estimating Child Labour in Jordan: 1991-2005, Mohammed Issa Shahateet, Nihaya Issa Dabdub, Ministry of Labour, Hashemite Kingdom of Jordan, October 2002

<sup>213</sup> Written replies, Op.Cit

<sup>214</sup> 2000-2006 data, from UNICEF, Op.Cit

<sup>215</sup> "Submission to the Committee on the Rights of the Child Regarding Jordan's Third Periodic Report to the Committee on the Rights of the Child", Human Rights Watch, July 31, 2006

<sup>216</sup> "Jordan: Government Pledges to Grant Iraqis Education Health Rights", Human Rights Watch, August 16 2007

<sup>217</sup> "Iraqis in Jordan Their Number and Characteristics", FAFO Institute, 2007, Norway

<sup>218</sup> Estimated using various research studies of enrollment and dropout rates for Jordanian children over a ten-year period (the number of years of mandatory schooling), National Council for Family Affairs, Op.Cit

facilities and equipment, overcrowded classrooms, under-qualified teachers and inadequate teaching methods’.

## **5. Status of the Right to protection and education under emergencies**

Information on right to protection and education under emergencies is limited. The government of Jordan has national emergency plans in case of drought or other natural disasters, which does not specifically refer to children. The country has not signed the 1951 UN Convention on the Status of the Refugees, nor does it have any national legislation pertaining to the status and treatment of refugees.

## **6. Stakeholder (duty-bearers) analysis – civil society**

Government structures: The National Task Force for Children, established in 1995, serves as a monitoring mechanism for the implementation of children’s rights. The Human Rights and Public Freedoms Division within the Ministry of the Interior is mandated to promote human rights, including the rights of the child. The key government bodies that have a direct mandate in the field of child protection are the Ministries of Social Development, Labour, Health, Education, Justice, Planning and Awqaf as well as the Family Protection Unit. Key institutions for delivery of education services are Ministry of Education and UNRWA. The Directorate of Social Defence and the Child Labour Unit at the Ministries of Social Development and Labour respectively play a prominent role in supporting juvenile delinquents, working children, children at risk and those exposed to violence.<sup>219</sup>

Some of the capacity issues facing government institutions are: lack of national framework for children protection, limited intra-governmental coordination, limited knowledge of CRC of professional groups working with children (judges, lawyers, law enforcement officials, civil servants...). Socio-cultural influences on the legal systems may also present an obstacle to legal proceedings of honour crimes, and may also prevent victims of sexual abuse to come forward.

### Civil Society

There are over 900 civil society organisations in Jordan, out of which nearly 50 per cent are engaged in welfare and charitable activities. Associations engaged in recreational and leisure activities represent 20 per cent, educational associations about 16 per cent, and business associations and women’s organisations about 5 to 6 per cent of the total number. There are very few professional associations, trade unions, youth movements and advocacy organisations.<sup>220</sup>

A number of civil society groups provide direct services to children and play a role in raising the awareness of general public and training professional on child rights and CRC. The National Centre for Human Rights, which led on the preparation of the alternative report with the support of Save the Children Denmark, was established to ensure independent monitoring of the CRC. However, a large number of CSOs working on child protection issues does not necessarily translate into diversified and effective services offered to children, and coordination mechanisms amongst CSOs, and between NGOs and government structures remains limited. A recent survey in Jordan suggests that

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<sup>219</sup> Idem

<sup>220</sup> “Arab Civil Societies and Public Governance Reforms - An Analytical Framework and Overview”, Salim Naser, United Nations Development Programme, January 2005

NGOs suffer from three major obstacles relating to management, institutionalisation, and professionalisation.

In addition, the regulatory and legal environment governing civil society sector remains restrictive. The Jordanian government has made it increasingly difficult for independent non-governmental organisations to operate. Since 2001, the government has ‘enforced a Law Public Gatherings that defines a public gathering very broadly, encompassing any meeting between two persons even in a private home or office. It obliges organisers to seek advance permission from governors, who arbitrarily can prohibit gatherings without the possibility of appeal’, notes Human Rights Watch.<sup>221</sup>

Since 2004, the government has proposed several draft laws to replace the current Law No. 33 of 1966 on Social Societies and Institutions, each one more restraining than the next. The latest amendments, proposed in October 2007, were withdrawn in early 2008 by the Prime Minister after opposition from some civil society organisations and human rights groups who charged that several articles within the law infringed on basic rights, such as restrictions on foreign funding and registration.<sup>222</sup> The draft law grants the government new powers and mechanisms to deny NGOs licenses to operate, inspect, approve funding, install government-imposed management, and dissolve NGOs for a wide variety of reasons. In March 2008, a national conference was organised with hundreds of stakeholders to discuss possible amendments to the NGO Law.

Access to foreign funding remains a critical issue for national and local NGOs. Allocation of foreign funding has to be agreed to by the Jordanian government, and as a result, donor funding generally ends up going to “royal NGOs” – foundations or NGOs headed by members of the royal family. Being founded by royal decree, the law does not restrict them – they do not report to the Ministry of Social Development, and are able to directly access foreign donors.<sup>223</sup> Royal NGOs include the Queen Alia Fund (headed by Princess Basma), Noor al-Hussain Foundation (Queen Noor), Jordan River Foundation and the National Council on Family Affairs (headed by Queen Rania). The latter organisation plays a leading role in child rights in Jordan, and has been mandated by the government to evaluate the National Plan of Action for Children 2004-2013. It played a role in preparing both the official Third Periodic Report to the Committee on the Rights of the Child, as well as in the alternative report. Queen Rania is UNICEF’s first Eminent Advocate for Children, and her efforts are ‘considered to be important guiding principles in the field of protecting children’.<sup>224</sup>

There are around 30 foreign NGOs working in Jordan, including Near East Foundation, Oxfam, and Save the Children. Similarly to local NGOs, international NGOs must obtain approval of the minister in order to be registered, and are committed to submit an annual report to the ministry, covering their activities, and detailing their financial status.

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<sup>221</sup> “Shutting Out the Critics Restrictive Laws Used to Repress Civil Society in Jordan”, Volume 19, No. 10(e), Human Rights Watch, December 2007

<sup>222</sup> “Jordan: Stakeholders discuss possible amendments to NGO law”, Zawya.com, 26 March 2008

<sup>223</sup> “Clients’ satisfaction about non-governmental organizations (NGOS) services in Jordan”, Fayez A. Simadi1\* and Fawwaz Almomani, in International NGO Journal Vol. 3 (3), pp. 038-047, March, 2008

<sup>224</sup> National Council on Family Affairs, Op.Cit

**Table 5: Jordan, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Ratification			
Convention on the Rights of the Child	Ratification	29.08.1990	24.05.1991	23.06.1991
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Ratification	06.09.2000	23.05.2007	23.06.2007
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Ratification	06.09.2000	04.12.2006	04.01.2007
ILO Convention N. 138 on Minimum Age	Ratification		23.03.1998	
ILO Convention N. 182 on Worst Forms of Child Labour			20.04.2000	
Convention on the Elimination of All Forms of Racial Discrimination	Accession		30.05.1974	29.06.1974
International Covenant on Economic, Social and Cultural Rights	Ratification	30.06.1972	28.05.1975	03.01.1976
International Covenant on Civil and Political Rights	Ratification	30.06.72	28.05.1975	23.03.1976
Convention on the Elimination of All Forms of Discrimination against Women	Ratification	03.12.1980	01.07.1992	31.07.1992
Convention Against Torture and Other Cruel Inhuman or Degrading	Ratification		13.11.1991	13.12.1991

Treatment or Punishment				
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No Action			
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Rights of Persons with Disabilities	Signature only	30.03.2007		
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	Accession		01.07.1992	
Convention relating to the Status of Refugees	No action			

## **Chapter 6: Kuwait**

### **1. Context**

#### **1.1 Background**

The State of 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. In recent years, Kuwait has faced a spate of militant violence, with security forces clashing with Islamist militants.<sup>225</sup>

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 human development, including reductions in infant and child mortality and increases in school enrolment rates for boys and girls. Kuwait has the highest Human Development Index in the Arab world and ranks 33 out of 177 countries with data,<sup>226</sup> with an average gross national income per capita of US\$ 30,630.<sup>227</sup>

To improve living standards and human development, the government invests heavily in the social sector. Education expenditure consist 15 per cent of total government spending, and social expenditure, such as projects for disabled, orphans and low-income families, consist 20 per cent of total government budget.<sup>228</sup> No funds are specifically earmarked for the Convention on the Rights of the Child and its Optional Protocols. However, available data indicates that 137 million Kuwait Dinars (equivalent to US \$ 516 million) have been allocated for the care centres for juvenile delinquents and 89 million Kuwait Dinars (US\$ 335 million) for institutions targeting children with unknown parentage.<sup>229</sup>

The government has also put in place measures to improve the social, economic and political situation of women. For example, the right to vote was extended to women in 2006, when women were allowed to vote in the parliamentary elections. However, women continue to face de jure and

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<sup>225</sup> "Country Profile: Kuwait", BBC News, [http://news.bbc.co.uk/1/hi/world/middle\\_east/country\\_profiles/791053.stm](http://news.bbc.co.uk/1/hi/world/middle_east/country_profiles/791053.stm)

<sup>226</sup> "Kuwait: Country Fact Sheet," Human Development Report 2007/2008, United Nations Development Programme, available at [http://hdrstats.undp.org/countries/country\\_fact\\_sheets/cty\\_fs\\_KWT.html](http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_KWT.html)

<sup>227</sup> "2005 Data, Kuwait Data Profile", World Development Indicators, World Bank, available at <http://devdata.worldbank.org/external/CPProfile.asp?PTYPE=CP&CCODE=kw>

<sup>228</sup> SITAN REPORT – Kuwait (Summary)", Higher Council for the Child and the Family, with support from UNICEF Regional Office in Amman, 2003.

<sup>229</sup> Using June 2008 exchange rate. Figures are from "State Party Examination of Kuwait's Initial Report on the Implementation of the Optional Protocol on Children in Armed Conflict (OPAC) "47th Session of the Committee on the Rights of the Child, 14 January – 1 February 2008

de facto discrimination, particularly with regard to their participation in the political decision-making process.<sup>230</sup>

In general, the human rights situation has improved over the last decades. A parliamentary committee called the “Committee for the Protection of Human Rights” has been set up to advocate for the full inclusion of human rights provisions into national legislation, monitor the performance of government agencies, and receives complaints and comments on practices that violated human rights. However, very little information is available on the functioning of this Committee, and serious human rights problems continue to persist in Kuwait, including restraints to freedom of expression and association, reports of arbitrary detentions and mistreating of non-citizen prisoners, and limits on freedom of religion.

The population of Kuwait numbers 2.8 million inhabitants, of which 26.9 per cent are under the age of 18.<sup>231</sup> 35 per cent of the population are Kuwaiti citizens, 39 per cent non-Arabs, primarily South Asians, 22 per cent non-Kuwaiti Arabs, and 4 per cent are “Bidouns” or stateless Arabs.<sup>232</sup> While tens of thousands of Bidouns have been naturalised since 2000, there remains 80,000 stateless persons in Kuwait.<sup>233</sup> They face widespread and systematic discrimination, often resulting in violations of rights, including right to leave and return to one's own country, children's right to be registered immediately after birth, and children's right to acquire a nationality.<sup>234</sup> In 2004, the Committee on the Economic, Social and Cultural Rights had expressed its concerns about the continuing discrimination against the “Bidouns” due to the fact that they are denied the possibility of becoming Kuwaiti nationals by the State party.<sup>235</sup>

The vast majority of non-Arab women residing in Kuwait are employed as domestic workers, and there are reports of women being subject to serious abuses and exploitation, including 16 to 21 working hour per day and extremely low wages.<sup>236</sup> There are confirmed reports that some South Asian and Southeast Asian domestic servants are under the age of 18.<sup>237</sup> The country is also destination for men, women, and children trafficked primarily from Bangladesh, India, Pakistan, the Philippines, and Sri Lanka.

## 1.2 Society and culture in regards to children

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<sup>230</sup> “Concluding Observations of the Committee on Economic, Social and Cultural Rights: Kuwait”, Thirty-second session, Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.98, 7 June 2004

<sup>231</sup> “Draft Programme of Co-operation between the Government of Kuwait and UNICEF 2007 – 2009”, UNICEF Gulf Area Office, 2007

<sup>232</sup> Bidoun shortened for Bidoun Jinsiyya or without nationality. Population data from “Kuwait: Background Report”, US Department of State June 2007

<sup>233</sup> “2005 UNHCR Statistical Notebook, Country Data Sheet: Kuwait”, United Nations High Commissioner for Refugees, April 2007

<sup>234</sup> An estimated 240,000 are living outside of the country, many of whom would wish to return to Kuwait but have not been permitted to do so. “Kuwait: Promises Betrayed: Denial of Rights of Bidun, Women, and Freedom of Expression”, Human Rights Watch, October 2000, available at: <http://www.hrw.org/reports/2000/kuwait/>

<sup>235</sup> “Concluding observations of the Committee on Economic, Social and Cultural Rights – Kuwait”, Op. Cit

<sup>236</sup> “Exported and Exposed: Abuses Against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon and the United Arab Emirates” Human Rights Watch, November 2007

<sup>237</sup> “Kuwait – 1999 Country Report on Human Rights Practices”, US State Department, 25 February 2000

The Kuwaiti society values families that have high number of children; it is a high fertility country where the average number of desired children still exceeds 5. The patriarchal nature of the society sets different expectations for girls and boys.

## **2. Status of the Rights of the Child<sup>238</sup>**

The UN Convention on the Rights of the Child (CRC) was signed by Kuwait on 7 June 1990, and entered into force on 20 November 1991. Upon ratification of the CRC, Kuwait expressed its general reservations on all provisions of the Convention that are incompatible with the laws of Islamic *Shari'a* and the local statutes in effect, and expressed its declarations on Articles 7 and 21.

Kuwait acceded to the two Optional Protocols to the CRC on the Involvement of Children in Armed Conflict and on the Sale of Children in Child Prostitution and Child Pornography on 26 September 2004. The country has submitted its Initial Report to the Committee on the Right of the Child on 23 August 1996. Its Second Periodic Report was due on 19 November 1998. The country has submitted in 2008 the Initial Reports on the implementation of the Optional Protocols.

Upon review of the Initial Report of the CRC, the Committee on the Rights of the Child noted with concern the declarations on articles 7 and 21, and that the provisions and principles of the Convention were not fully reflected in law. It expressed in particular its concern that the principle of non-discrimination is not fully incorporated in national legislation, and that there remains some laws, regulations or practices which are discriminatory towards girls, in particular with right to inheritance, and towards Bidoun children, migrant children and other non-citizens, especially with regard to education, health and social services.

The Committee also expressed its concern that the legal age of criminal responsibility at seven is very low, and that the legal minimum age for marriage for girls is set at 15 while that for boys is set at 17. It also suggested developing legislation to prohibit corporal punishment in schools, in the family and other institutions, and to undertake studies on the nature and extent of ill-treatment and abuse, and to develop mechanisms for children to report such ill-treatment, for such cases to be investigated, sanctions applied to perpetrators and publicity given to decisions taken in such cases. The Committee also recommended Kuwait to develop data collection, with specific emphasis on vulnerable ones, including those who are victims of abuse, children belonging to Bidouns, or to migrant families, children involved with the administration of juvenile justice, children of single-parent families and children born out of wedlock, abandoned children, institutionalised children and those with disabilities.

The majority of the recommendations of the Committee have yet to be fully addressed by Kuwait, and the country has not presented the Committee report on the implementation of the CRC since 1996.

## **3. Status of the Right to Protection**

There is very little information on the extent and nature of neglect, violence, and abuse against children. Kuwait does not have a comprehensive national child protection system, nor does it

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<sup>238</sup> Information on the status of CRC ratification and reporting is from the United Nations Office of the High Commissioner for Human Rights website <http://www.ohchr.org/EN/countries/MENARRegion/Pages/KWIndex.aspx>



currently have a Bill on Child Rights. The country however does have in place a number of legislative measures to protect children from violence, abuse and neglect.

- The Constitution stipulates that the family is the foundation of society and committed the State to safeguarding children against exploitation and moral, physical and spiritual neglect.<sup>239</sup>
- Articles 166 and 167 of the Penal Code prescribe penalties for family providers who fail to fulfill their obligations towards the members of their family, especially those less than 14 years of age.
- A statute dating back to the 1960s prohibits all forms of corporal punishment by teachers or school principals, and schools provide a socio-psychological counseling service, which receives and investigates pupils' ill-treatment by teachers and even parents.<sup>240</sup>
- Article 192 punishes sexual intercourse with a male or female less than 12 years of age with imprisonment of up to ten years.
- A special police force has been established to investigate offences by or against minors.
- Orphans are taken care of in nursery schools or through families willing to host them according to the provisions of Islamic law.

Key gaps in formation and implementation of legislation and policies are:

- The minimum legal age for marriage remains 15 for girls and 17 for boys, despite the recommendation of the Committee on the Rights of the Child 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.<sup>241</sup>
- Kuwaiti law does not explicitly refer to the criminal offence for the sale of children; prohibiting only the sale of children as slaves.<sup>242</sup>
- Corporal punishment at home is lawful. 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 disciplining.<sup>243</sup>
- The Criminal Code provisions mainly provide protection against sexual exploitation for the girl child as opposed to the boy child. Child victims of offences may be considered as child offenders and, as such, may not receive adequate protection in the criminal justice system.<sup>244</sup>
- The country has not developed systems for detecting and investigating cases of child abuse, and providing referrals for consultation and the rehabilitation of abused children. There are

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<sup>239</sup> "Summary Record of the 1301<sup>st</sup> Meeting, 24 January 2008, Consideration of Reports of State Parties, Initial Reports on the CRC Protocols submitted by Kuwait", CRC/C/SR.1301, 30 January 2008

<sup>240</sup> "Summary Record of the 498<sup>th</sup> meeting held on 29<sup>th</sup> September 1998, Consideration of Reports of State Parties, Initial Reports on the CRC submitted by Kuwait", CRC/C/SR.490, 21 December 1998

<sup>241</sup> "Kuwait – 2004 Country Report on Human Rights Practices", US State Department, 2005

<sup>242</sup> Concluding Observations, CRC Optional Protocol, Op.Cit

<sup>243</sup> "Ending legalised violence against children: report for the Middle East and North Africa regional consultation", Global Initiative to End All Corporal Punishment of Children, 2005

<sup>244</sup> "Concluding Observations: Kuwait, Consideration of Reports Submitted by State Parties under Article 12 of the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography", Committee on the Rights of the Child, CRC/C/OPSC/KWT/CO/1, 18 February 2008

no institutions with responsibility for receiving complaints regarding violations of children's rights.<sup>245</sup>

Kuwait has made considerable progress in implementing legislative measures to reduce **economic exploitation** of children. On 15 November 1999, the country ratified the International Labour Organisation Convention n° 138 concerning Minimum Age for Admission to Employment on 15 November 1999 and on 15 August 2000, the ILO Convention n° 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The legal minimum age is 18 years; however, juveniles between the ages of 14 and 18 are allowed to work certain trades if employers obtain permits.

Kuwait has also established a centre to regulate the situation of domestic workers and to ensure that no domestic workers under 18 are brought into the country. Nevertheless, there continues to be credible reports of exploitation of under-18 domestic workers. The country has also put in place number of measures to end the practice of camel racing with children as jockeys. Ministerial Decision 125/2004 prohibits employment of children in camel racing and other harmful activities. However, it allows children to take part in camel racing under certain conditions set forth in Article 2 of the Decision.<sup>246</sup>

#### **4. Status of the Right to education**

Primary and secondary education is compulsory and universal, and education is free to Kuwaiti citizens through to university level. Since 2004/5, the Ministry of Education approved extension of free basic education to children of Bidoun parents; however access to secondary and tertiary education remains limited.<sup>247</sup> In addition, Bidoun children may be denied birth certificates needed to attend primary and secondary school.<sup>248</sup> It is difficult to obtain detailed information on educational status of children of Bidoun parents. The Committee on Economic, Social and Cultural Rights has urged Kuwait to adopt necessary measures to ensure that non-Kuwaiti children living in Kuwait have access to free compulsory education.<sup>249</sup>

The government provides free kindergartens for Kuwaiti children between the ages of four and six and the country reports a high rate of 90 per cent of gross pre-school enrolment.<sup>250</sup> The gross enrolment rate in the primary level was 99 per cent for boys and girls for the year 2005/6. However, due to high rates of academic repetition, net enrolment rate for primary level were at much lower rates, reaching 87 per cent for boys and 86 for girls, as a result of the high rates of academic repetition. Net enrolment rate for secondary level is 76 for boys and 80 per cent for girls.<sup>251</sup>

#### **5. Status of the Right to protection and education under emergencies**

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<sup>245</sup> Concluding Observations, CRC Optional Protocol, Op.Cit

<sup>246</sup> Idem

<sup>247</sup> US State Department, 2005, Op.Cit 2007 report states that Bidoun children are barred from public schools

<sup>248</sup> "Lives on Hold: Middle East", Refugees International, available at

[http://www.refugeesinternational.org/section/publications/stateless\\_mideast/](http://www.refugeesinternational.org/section/publications/stateless_mideast/)

<sup>249</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights – Kuwait, Op. Cit

<sup>250</sup> "Draft Programme of Co-operation between the Government of Kuwait and UNICEF Gulf Area Office 2007 – 2009", UNICEF, [http://www.unicef.org/gao/CPAP\\_kuwait.pdf](http://www.unicef.org/gao/CPAP_kuwait.pdf)

<sup>251</sup> 2000-2006 Data, "Kuwait – Statistics" UNICEF, [http://www.unicef.org/infobycountry/kuwait\\_statistics.html](http://www.unicef.org/infobycountry/kuwait_statistics.html)

Very limited information was found on the status of the right to protection and education of children under emergencies. The government states 'Kuwait has started to pay attention to a child's right to be the first to get help in the case of a natural disaster or a crisis. The government is obliged to offer help to families and individuals in such case'.<sup>252</sup>

## **6. Stakeholder (duty-bearers) analysis – civil society**

Government: In 2007, the Higher Council for the Family and Children was established to deal with child rights issues. The Council is one of the main partners of UNICEF in Kuwait, and is receiving technical support and assistance to improve the Council's capacity in monitoring childhood indicators, and in preparing reports to the Committee on the Rights of the Child. UNICEF is also working with the Council to complete National Plan of Action for Children and to ensure that local legislation and policies are in line with the CRC. 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. More research is needed on the strengths and weaknesses of government bodies, particularly the Ministry of Labour and Social Affairs and the Mother and Child Federation in the Ministry of Education, with regards to child rights issues.

Civil society is growing in Kuwait, with over 55 societies with 40,000 members; civil society is composed of associations, trade unions and informal groups such as cooperatives.<sup>253</sup> In general, almost all associations registered as public benefit societies receive government funding, as do trade unions, which receive considerable state subsidies at a cost to their independence. UNDP also reports that in addition to these official societies, there are numerous public meetings in homes, collectively called *Diwaniyas*. Their number has increased in recent years, and they play an important role in the political process.<sup>254</sup>

The law permits the existence of NGOs; however, NGOs are not permitted to engage in overtly political activity, and are prohibited from encouraging sectarianism. In addition, the government continues to deny licenses to some NGOs.<sup>255</sup> The government permits international human rights organisations to visit the country and establish offices, although none are currently operating in the country. Also, an unknown number of local unlicensed non-governmental organisations operate without legal status, largely without government restriction.

In general, civil society groups devoted to specific groups of people - such as women, children, foreign workers, prisoners, persons with disabilities - are permitted to work without government interference. Most civil society organisations are engaged in service delivery, rather than advocacy and campaigning, although more information is needed on their general awareness of human rights and child rights issues. There are no records of child-led organisations operating in Kuwait.

There are a number of NGOs that defend human rights, such as the Kuwait Human Rights Society and the Kuwaiti Society for Fundamental Human Rights, and those and focus on accountability and transparency, such as the Kuwait Transparency Society. The Kuwait Bidoon Human Rights

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<sup>252</sup> "SITAN REPORT – Kuwait (Summary)", Op.Cit

<sup>253</sup> "Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

<sup>254</sup> See Programme on Governance in the Arab Region website <http://www.pogar.org/countries/civil.asp?cid=8>

<sup>255</sup> "Kuwait - 2006 Country Report on Human Practices", US State Department, March 2007

Organisation focuses on the rights of stateless children.<sup>256</sup> The Kuwait Red Crescent Association is also a partner organisation of UNICEF on child and adolescent participation.<sup>257</sup> More thorough assessment is needed on internal and external barriers that may limit their capacity to deliver services and advocate for change.

According to the US State Department, the Government permits international human rights organisations to visit the country and to establish offices.<sup>258</sup> Several organisations, including Amnesty International and Human Rights Watch, conduct fieldwork and report excellent communication with and reasonable cooperation from the Government. Mercy Corps and War Child have operated from Kuwait to respond to humanitarian and development needs in Iraq.

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<sup>256</sup> "Member Organisations", Child Rights Information Network (CRIN), [crin.org/organisations/vieworg.asp?id=625](http://crin.org/organisations/vieworg.asp?id=625)

<sup>257</sup> UNICEF Gulf Area Office, 2007

<sup>258</sup> US State Department, 2000, Op. Cit

**Table 6: Kuwait, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Not ratified			
Convention on the Rights of the Child	Ratification	07.06.1990	21.10.1991	20.11.1991
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Accession		26.08.2004	26.09.2004
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Accession		26.08.2004	26.09.2004
ILO Convention N. 138 on Minimum Age	Ratification			15.11.1999
ILO Convention N. 182 on Worst Forms of Child Labour	Ratification			15.08.2000
Convention on the Elimination of All Forms of Racial Discrimination	Accession		15.10.1968	04.01.1969
International Covenant on Economic, Social and Cultural Rights				
International Covenant on Civil and Political Rights	Accession		21.05.1996	21.08.1996
Convention on the Elimination of All Forms of Discrimination against Women	Accession		02.09.1994	02.10.1994
Convention Against Torture and Other Cruel Inhuman or Degrading	Accession		08.03.1996	06.04.1996

Treatment or Punishment				
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No action			
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Rights of Persons with Disabilities	No action			
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			
Convention relating to the Status of Refugees	No action			

## Chapter 7: Libya

### 1. Context

#### 1.1 Background

The Libyan Arab Jamahiriya has a total population of 6 million, out of which nearly 2.2 million are less than 18 years old.<sup>259</sup> Its economy is dominated by hydrocarbons and the public sector. Oil wealth has supported socioeconomic development and decent living standards for Libya's population, comparing favourably with other Middle East and North African countries.<sup>260</sup> In order to fully transition to a market-led economy, the World Bank has been advising Libya to accelerate structural reforms and diversify its economy, especially in services.<sup>261</sup>

Since Colonel Al Gaddafi took power in 1969, the country has been ruled as a Socialist People's Republic. Libya was effectively isolated from the international community from 1992 – when the United Nations imposed an embargo against Libya in response to the 1988 Lockerbie flight bombing – till 2003, when Libya formally took responsibility over the bombing. Libya's international reintegration accelerated in 2007 despite the government's ongoing human rights violations, including arbitrary arrest, the detention of political prisoners, denial of fair public trial, poor prison conditions and severe limitations on freedom of expression and association.<sup>262</sup>

While enshrining the principle of non-discrimination in the constitution, the government states that the society is ethnically homogeneous: 'Libyan society is an Islamic Arab society, which has no minorities'.<sup>263</sup> However, the Committee on the Elimination of All Forms of Discrimination indicates that this is in discrepancy with information indicating that Amazigh, Tuareg and Black African populations live in the country.<sup>264</sup> The Human Rights Committee has also reported that discrimination against migrant workers, black Libyans, ethnic and religious minorities, was occurring.<sup>265</sup> There has been some progress in addressing discrimination: in 2007, Libya abolished

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<sup>259</sup> "At a Glance: Libyan Arab Jamahiriya", UNICEF, [http://www.unicef.org/infobycountry/laj\\_statistics.html](http://www.unicef.org/infobycountry/laj_statistics.html)

<sup>260</sup> "Socialist People's Libyan Arab Jamahiriya, Country Economic Report", World Bank, July 2006

<sup>261</sup> Idem

<sup>262</sup> "Events: Libya, World Report, 2007" Human Rights Watch, 2008, available at <http://hrw.org/englishwr2k8/docs/2008/01/31/libya17612.htm>

<sup>263</sup> "Libyan Arab Jamahiriya: Second Periodic Report, Consideration of Reports Submitted by State Parties under Article 44 of the Convention", Committee on the Rights of the Child, CRC/C/93/Add.1, 19 September 2002

<sup>264</sup> "Concluding Observations of the Committee on the Elimination of Racial Discrimination : Libyan Arab Jamahiriya", Committee on the Elimination of Racial Discrimination, CERD/C/64/CO/4, 10 May 2004

<sup>265</sup> "Making Children's Rights Work in North Africa: Country Profiles on Algeria, Egypt, Libya, Morocco and Tunisia", International Bureau for Children's Rights, August 2007, Canada

the law prohibiting the use of Amazigh and Tuareg names, and convened the first Amazigh Congress to discuss education and social integration of the country's Berber communities.<sup>266</sup>

Despite significant opportunities in education and employment, women continue to face substantial social discrimination. The Libyan government ratified the Convention on the Elimination of all Forms of Discrimination against Women in May of 1989 with reservations for conflicts with Islamic law, particularly the personal status code: property rights, marriage, divorce, and parental rights.<sup>267</sup>

Overall, both women and men enjoy rising living standards in Libya, and the country scores 56 out of 177 for countries with data on Human Development Index.<sup>268</sup> The government invests heavily in social sector – expenditure on the health sector has been estimated at 15 per cent of the budget, and expenditure on educational and vocational sector at 20 per cent.<sup>269</sup> However, the Committee on the Rights of the Child has expressed its concerns at the lack of specific information on budget allocated to children and the various areas covered by the Convention on the Rights of the Child, especially for policies to promote the civil and political rights of children.<sup>270</sup>

There are an estimated 600,000 foreign residents, in addition to which there are 750,000 to 1.2 million immigrants<sup>271</sup> living illegally in Libya, out of which one to two per cent may be victims of trafficking.<sup>272</sup> While there are some reports of trafficking of children, mainly from sub-Saharan Africa and Asia, detailed information and data are generally lacking. In 2005, the UN Refugee Agency (UNHCR) reported having registered over 13,000 refugees and asylum seekers, of whom 35 per cent were children, mostly from Sudan, Liberia, Eritrea, Chad, Ethiopia, Somalia, and Palestine.<sup>273</sup>

### 1.2 Society and culture in regards to children

The Committee on the Rights of the Child has expressed its concern that the traditional attitudes towards children in society may limit the respect for their views, especially within the family.<sup>274</sup> In addition, the Human Rights Committee has reported widespread discrimination against children of migrant workers, children born out of wedlock, and children whose mothers are married to non-Libyan nationals.<sup>275</sup>

## **2. Status of the Rights of the Child<sup>276</sup>**

On 15 April 1993, Libya signed the UN Convention on the Rights of the Child (CRC), without any reservations. The CRC entered into force on 15 May 1993. Libya also signed the Optional Protocols

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<sup>266</sup> “Libya: 2007 Country Report on Human Practices”, US State Department, March 11 2008, available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100601.htm>

<sup>267</sup> See “Gender and Citizenship” <http://gender.pogar.org/countries/country.asp?cid=10>

<sup>268</sup> For more information see [http://hdrstats.undp.org/countries/country\\_fact\\_sheets/cty\\_fs\\_LBY.html](http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_LBY.html)

<sup>269</sup> Second Periodic Report, Op. Cit

<sup>270</sup> “Concluding Observations of the Committee on the Rights of the Child : Libyan Arab Jamahiriya”, Committee on the Rights of the Child, CRC/C/15/Add.209, 4 July 2003

<sup>271</sup> “Technical Mission to Libya on Illegal Immigration”, 27 Nov – 6 Dec 2004, European Commission, 2004

<sup>272</sup> “Trafficking in Persons Report”, US State Department, June 2007

<sup>273</sup> “Libya: Country Operational Plan, Planning Year 2007”, United Nations High Commissioner for Refugees, 2006

<sup>274</sup> Concluding Observations of the Committee on the Rights of the Child, Op.Cit

<sup>275</sup> “Concluding Observations of the Human Rights Committee, Consideration of reports submitted by State Parties under Article 40 of the Covenant of Civil and Political Rights”, CCPR/C/LBY/CO/4, 15 November 2007

<sup>276</sup> Information on the status of CRC ratification and reporting is from the United Nations Office of the High Commissioner for Human Rights website: <http://www.ohchr.org/EN/countries/MENARegion/Pages/LYIndex.aspx>



relating to the Involvement of Children in Armed Conflict (29 November 2004) and on the Sale of Children in Child Prostitution and Child Pornography (18 July 2004). The initial report on CRC was submitted by Libya on 23 May 1996 and the second periodic on 8 August 2000. The third and fourth periodic reports are due to 14 November 2008.

Upon review of the second periodic report Libya, the Committee on the Rights of the Child concluded that many of the concerns expressed and recommendations made following consideration of Libya's initial report had not been sufficiently addressed.<sup>277</sup> The Committee welcomed the adoption of the Child Protection Act No. 5 of 1997, as well as other legislative reforms related to child welfare. However, 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, are 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 CRC, 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, and to amend Article 1 of Mobilisation Act No. 21 of 1991 such that persons under 18 mobilised in the context of a general mobilisation can serve the war effort without being deployed as active combatants.

As pointed out by the Committee, Libya does not provide sufficient information on budgetary process, in order to be able to assess allocation of resources to children's issues. However, under the terms of article 13 of the Child Protection Act No. 5 of 1997, the State's annual public budget must allocate, within the provisions for the different sectors, a special budget for the welfare of children.

### 3. Status of the Right to Protection

Libya adopted the Child Protection and Welfare Ordinance in 1991 and promulgated the Child Protection Act No. 5 of 1997 to ensure the protection and rights of the child. 'Libyan law takes a tough stand on the sexual exploitation and sexual abuse of children'.<sup>278</sup> Severe penalties are imposed on those found guilty of sexually abusing children, with between five to ten years' imprisonment, depending on the age of the child and whether the perpetrator is caretaker of the child. In December 2006, the government reported the establishment of a Childcare Administration within the People's Committee for Social Affairs to monitor and coordinate actions in childcare and child protection, and to work with Secretariat of Justice and the Human Right Office to follow up child protection and violations of the 1997 Child Protection Act.<sup>279</sup>

**Sexual abuse and violence** within the home is punishable, under article 36 of Act No. 17 of 1992, and the Penal Code cites 34 instances in which protection is a must and which are treated as matters of public claim to be pursued by the Department of Public Prosecutions before the competent criminal court. However, **corporal punishment** at home is lawful. Corporal punishment at

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<sup>277</sup> Concluding Observations of the Committee on the Rights of the Child, Op.Cit

<sup>278</sup> Second Periodic Report, Op.Cit

<sup>279</sup> International Bureau for Children's Rights, Op. Cit

school is a criminal offence under the School Discipline Ordinance for schools as well as the Child Protection Act.

The Libyan Penal Code also prohibits **child abandonment and neglect**. The Basic Allowances Act No. 16 of 1985 guarantees a basic allowance to orphans until the age of 18 and until 28 years old for university students. Adoption is illegal in Libya; instead a system of fostering and hosting enables families to support children living in social welfare institutions.

Child protection provisions are not well enforced. Programmes as well as referral and rehabilitation services for victims of abuse are lacking. In addition, Human Rights Watch has expressed concern about many women and girls living in social rehabilitation centres only because they were victims of sexual violence for which their family ostracised them. 'Libya is subjecting women and girls who have transgressed socially-acceptable norms and rape victims whose families have abandoned them, to arbitrary deprivations of their liberty and a host of other human rights abuses by locking them up indefinitely in social rehabilitation facilities'.<sup>280</sup> There are also reports of **trafficking** of children for the purposes of prostitution and slavery, and the Committee on the Rights of the Child has expressed its concerns about the lack of information and awareness of the trafficking and prostitution of children.<sup>281</sup>

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 provided that it complies with the child's wishes. Article 92 of the Labour Act specifies 15 years as the age at which children may be employed and 18 years in the case of hazardous occupations, unless a permit for the employment of a child in certain industries and activities is issued by the competent authorities. However, the Global March against Child Labour cites various reports to express its concern on the situation of working children in Libya. No other information on the issue is available.<sup>282</sup>

#### 4. Status of the Right to education

Education is free for all children and compulsory until the age of 15, as stipulated by article 14 of the Constitution. In 1998, expenditure on the educational and vocational training sector was estimated at 20 per cent of the national budget.<sup>283</sup> The Education Act No. 134 of 1970 stipulates that education should be available to everyone, without distinction of race, colour, gender or other factors.

Article 12 of Act of 1975 makes it compulsory for a guardian to enroll children of compulsory school age in primary school and to ensure their regular attendance up to the intermediate stage, and '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 loans. Furthermore, any license which he or she may

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<sup>280</sup> "Libya: A Threat to Society? Arbitrary Detention of Women and Girls for 'Social Rehabilitation'", Human Rights Watch, February 2006

<sup>281</sup> Concluding Observations of the Committee on the Rights of the Child, Op.Cit

<sup>282</sup> Quoted in Making Children's Rights Work, Op.Cit

<sup>283</sup> Second Periodic Report, Op.Cit

hold will be revoked or will not be renewed'.<sup>284</sup> The government also states that refugee children are entitled to schooling.<sup>285</sup>

However, in July 2007, the government amended the law to impose high fees on non-citizens enrolled in primary and secondary schools, prompting many foreigners to leave the country.<sup>286</sup> In addition, there are reports that children whose mothers are married to non-Libyan nationals were not admitted to school in September 2007.<sup>287</sup> The Committee on the Rights of the Child has also found that the children living with disabilities are not included in regular education system, and has recommended greater efforts to promote inclusive education.

#### **5. Status of the Right to protection and education under emergencies**

The Libyan government is not party to the 1951 UN Convention of the Status of the Refugees. However, it has signed the 1969 Organisation of African Unity (OAU) Refugee Convention which it regards as being more comprehensive than the UN Convention, as 'the latter Convention refers only to political refugees, while the OAU Convention covers refugees in humanitarian emergencies and situations such as disasters, earthquakes, volcanic eruptions, fires, floods, and so on'.<sup>288</sup> Information on status of the right of children to protection and education under emergencies is hard to obtain.

#### **6. Stakeholder (duty-bearers) analysis – civil society**

Government: The Higher Committee for Children and its regional branches are mandated to develop child welfare plans, coordinate programmes, and monitor the implementation of the CRC. However, the Committee on the Rights of the Child however notes that services provided for children are decentralised through local authorities (26 sha'biyya) "without the need for reference to a central institution" and recommends more effective coordination. Moreover, the Committee has noted that the Higher Committee is composed of volunteers and officials seconded from government ministries, there may be some doubt as to whether its structures are sufficiently robust to perform its functions.

The Secretariat for Legal Affairs and Human Rights established in March 2002 is mandated to play a complementary role in monitoring and investigating violations of children's rights.<sup>289</sup> The National Organisation for Information and Documentation was established in May 1990 to coordinate seventeen local and departmental information centres working on children's rights and connect this national network with similar international networks. As the Higher Committee for children is also charged with monitoring child rights violations, there is strong potential for overlap and duplication of efforts, which may impact adversely on the effectiveness of these institutions. More information is needed to further assess these institutions, and to better identify the external or internal constraints they may face in fulfilling their mandates.

The International Bureau for Children's Rights has raised concerns about the extensive network of institutions for children, where the respect for the rights of the child to privacy, participation and

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<sup>284</sup> For more information see <http://www.right-to-education.org/>

<sup>285</sup> "Summary Record of the 876<sup>th</sup> 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

<sup>286</sup> US State Department, Op.Cit

<sup>287</sup> Concluding Observations of the Human Rights Committee, Op.Cit

<sup>288</sup> Second Periodic Report, Op.Cit

<sup>289</sup> "Regional Scoping Exercise", A. Hauzar, E. Eidarous and A. Al Kassir, Save the Children UK, March 2007

protection is unclear and where family reintegration and alternatives to institutionalisation needs to be promoted.

Civil Society: Numerous charitable associations operate within Libya. There is a dearth of information on civil society organisations, including the scope of their programmes, their capacity, and the barriers limiting their capacity to deliver services, to represent the interests of their constituencies or to hold duty-bearers to account.

The regulatory environment is generally restrictive with the government suppressing the establishment of truly independent organisations - in fact, the existence of such organisations could be considered contrary to the revolution, and therefore illegal.<sup>290</sup> Law 19, "On Associations," requires a political body to approve all such organisations and does not allow appeals of negative decisions. The draft Penal Code contains specific provisions providing harsh punishments, including capital punishment, for undertaking peaceful social or political activities. Arrest of critics and reformists continue, and efforts for association are often suppressed.<sup>291</sup>

Human rights organisations and human rights defenders according to Amnesty International, continue to be prevented from operating, with the exception of the Human Rights Society of the Gaddafi International Foundation for Charitable Associations, which has become a strong voice for human rights protection and promotion in the country.<sup>292</sup> Access by international human rights groups to assess conditions in Libya has increased, with visits by Amnesty International in February 2004 - after a 15-year absence - and Human Rights Watch in 2006.<sup>293</sup>

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<sup>290</sup> "Libya: Civil Society Country Profile", Programme on Governance in the Arab World (POGAR), United Nations Development Programme, <http://www.pogar.org/countries/civil.asp?cid=10>

<sup>291</sup> "Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

<sup>292</sup> "Libya Time to make human rights a reality", Amnesty International April 2004

<sup>293</sup> International Bureau, Op.Cit

**Table 7: Libya, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Ratification			
African Charter on Human and People's Rights	Ratification	30.05.1985	19.07.1986	
Protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and People's rights	Ratification	09.06.1998	19.11.2003	
African Charter on the Rights and Welfare of the Child	Ratification	09.06.1998	23.09.2000	
African Youth Charter	Signature Only	10.01.2008		
Convention on the Rights of the Child	Accession		15.04.1993	15.05.1993
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Accession		29.10.2004	29.11.2004
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Accession		18.06.2004	18.07.2004
ILO Convention N. 138 on Minimum Age	Ratification		19.06.1975	
ILO Convention N. 182 on Worst Forms of Child Labour	Ratification		04.10.2000	
Convention on the Elimination of All Forms	Accession		03.07.68	04.01.69

of Racial Discrimination				
International Covenant on Economic, Social and Cultural Rights	Accession		15.05.70	03.01.76
International Covenant on Civil and Political Rights	Accession		15.05.70	23.03/1976
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Elimination of All Forms of Discrimination against Women	Accession		15.05.1989	15.06.1989
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Accession		16.05.1989	15.061989
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Accession		18.06.2004	01.10.2004
Convention on the Rights of Persons with Disabilities	Signature only	01.052008		
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	Accession		06.09.2005	
Convention relating to the Status of Refugees	No action			

## Chapter 8: Morocco

### **1. Context**

#### 1.1 Background

The Kingdom of 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 (IER), was set up and produced a comprehensive report in November 2005 outlining human rights violations during the period 1956 to 1999.<sup>294</sup> 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.

Morocco presents a mixed picture on human rights. Authorities continue to use repressive legislation to punish peaceful opponents and the police use excessive force to break up demonstrations.<sup>295</sup> 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) contests Moroccan sovereignty.<sup>296</sup>

Since 1983, Morocco has undertaken a series of stabilisation and adjustment programmes, supported by the International Monetary Fund and the World Bank. Economic reforms intensified in recent years, and since 2001, the country has experienced accelerating economic growth, but poverty and unemployment remain rampant. Over 15 per cent of the population live below the poverty line. The World Bank reports that poverty continues to be a rural phenomenon, linked to the volatility of agricultural growth, with droughts translating to low economic output, further exacerbating poverty rates.<sup>297</sup>

In addition to children living in impoverished rural areas, vulnerable groups of children include working children (an estimated 11 per cent of children<sup>298</sup>), children not registered at school (an

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<sup>294</sup> “EU Annual Report on Human Rights”, Council of Ministers European Commission, 2006

<sup>295</sup> “Human Rights Watch’s Submission to the Human Rights Council, Universal Periodic Review of Morocco”, Human Rights Watch, 2008, <http://hrw.org/english/docs/2008/04/10/global18500.htm>

<sup>296</sup> “Morocco: Allow Free Expression in Western Sahara, Talks on Disputed Region Resume in New York”, Human Rights Watch, January 7, 2008, <http://hrw.org/english/docs/2008/01/07/morocc17691.htm>

<sup>297</sup> “Morocco – Country Assistance Strategy 2005-2009”, World Bank, June 2004

<sup>298</sup> Data concerns children aged 5 to 14 years of age during the period 1999 to 2006, UNICEF, Op.Cit

estimated 1.5 million children<sup>299</sup>) children living on the streets (70,000) and children living in institutions (33,000<sup>300</sup>). The Committee on the Rights of the Child has noted with concerns that the level of budget allocation for the social sector remains low, and that there is a lack of breakdown of budgetary resources allocated for children.<sup>301</sup>

### 1.2 Society and culture in regards to children

Out of a population of nearly 31 million, nearly 11 million are under the age of 18.<sup>302</sup> 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.<sup>303</sup>

Children belonging to the Amazigh community cannot always exercise their rights to their own culture, the use of their own language and the preservation and development of their own identity,<sup>304</sup> although there have been some improvements since the establishment in 2001 of the Royal Institute of Amazigh Culture. Despite the prohibition of discrimination based on sex, and new provisions of the Family Code, discrimination remains a serious concern for the girl-child and children born out of wedlock, abandoned children and children of unknown parentage.<sup>305</sup>

## **2. Status of the Rights of the Child<sup>306</sup>**

The United Nations Convention on the Rights of the Child (CRC) was signed by Morocco on 26 January 1990 and entered into force on 21 July 1993. Upon ratification, the country expressed an interpretative declaration of Article 14, Paragraph 1 of the CRC ‘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’.

Morocco submitted the Initial Report on the CRC to the Committee on the Rights of the Child on 27 July 1995, and the Second Periodic Report on 4 September 2000. The Third and Forth Periodic Reports are due on 20 January 2009.

The two Optional Protocols to the CRC were signed on 8 September 2000 and entered into force in 2002. Morocco has also submitted its Initial Reports on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 28 June 2004, and Foundation Terre des

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<sup>299</sup> A May 2004 report from the Secretariat for Literacy and Non-Formal Education quoted in “Morocco – 2006 Country Report Human Practices”, US State Department, March 6, 2007

<sup>300</sup> “Second Periodic Report Morocco, Consideration of Reports Submitted by State Parties under Article 44 of the Convention on the Rights of the Child”, Morocco, CRC/C/93/Add.3, 12 February 2003

<sup>301</sup> Concluding observations of the Committee on the Rights of the Child: Morocco, CRC/C/15/Add.211, 10 July 2003

<sup>302</sup> “At a Glance: Morocco”, UNICEF, <http://www.unicef.org/infobycountry/morocco.html>

<sup>303</sup> “Concluding observations of the Committee on the Rights of the Child: Morocco, CRC/C/15/Add.211, 10 July 2003

<sup>304</sup> Idem

<sup>305</sup> Making Children’s Rights Work in North Africa: Country Profiles on Algeria, Egypt, Libya, Morocco and Tunisia”, International Bureau for Children’s Rights, August 2007, Canada

<sup>306</sup> Information on CRC Ratification and Reporting Status is from UN Office of the High Commissioner for Human Rights website <http://www.ohchr.org/EN/Countries/MENAREgion/Pages/MAIndex.aspx>



Hommes - Lausanne submitted an alternative report. Morocco has yet to submit its initial report on the Protocol on the Involvement of Children in Armed Conflict.<sup>307</sup>

### 3. Status of the Right to Protection

Morocco has implemented a number of programmes to protect children from abuse, neglect and discrimination.<sup>308</sup> In accordance with the Declaration and Plan of Action adopted at the special session of the United Nations General Assembly on children, a National Plan of Action for Children (PANE) 2005-2015 has been elaborated, which also targets vulnerable groups, namely children victims of abuse and violence,<sup>309</sup> and aims to enhance reintegration of street children into society and promote tougher action against child neglect and abandonment.

Morocco has also put in place a series of legislative measures to ensure child protection. Articles 484 and 485 protect children from sexual abuse - the punishment is 2 to 5 years' imprisonment if the offence does not involve violence, and 10 to 20 years if violence is used. Article 497 prohibits any person from inciting, furthering, or facilitating the corruption or debauchery of a minor, of either sex, below the age of 18. Punishment for the offence is a fine and imprisonment for 2 to 5 years.

In December 2000, the National Observatory on the Rights of the Child established telephone **hotline for children at risk of or suffering abuse**. Between January 2000 and September 2001, the Moroccan hotline received more than 200,000 calls, 40,000 of which came from children. As a result, 728 case files were opened, of which 48 involved cases of sexual abuse.<sup>310</sup> In 2004, the total number of prosecutions for enticing minors to engage in prostitution was 49.<sup>311</sup> The **Listening and Protection Centre**, which is attached to the National Observatory, receives child victims of physical, sexual and psychological violence, listens to the children and their guardians in person, intervenes with the judicial authorities, and coordinates with lawyers and health care providers. The recently established Child Protection Units also offer children victims of violence with medical and social assistance.

The government recognizes that many cases are not reported by the National Observatory on the Rights of the Child, the police departments and public prosecutor's offices, and that the incidences of sexual abuse and exploitation are likely to be considerably higher. In addition, articles, such as Article 475 of the Penal Code, still discriminate against girls; if a person kidnaps a minor and subsequently marries her, he can only be persecuted if the marriage has been annulled. The Committee on the Elimination of Discrimination against Women also remains deeply concerned that there is no specific legislation on **violence** against **women** and girls, including domestic violence

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<sup>307</sup> CRC Sessions relating to Morocco, Child Rights Information Network (CRIN), <http://crin.org/reg/country.asp?ctryID=148&subregID=3>

<sup>308</sup> Second Periodic Report, Op.Cit

<sup>309</sup> "Concluding observations of the Committee on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography: Morocco", CRC/C/OPSC/MAR/CO/1, 17 March 2006

<sup>310</sup> "Commercial Sexual Exploitation of Children: The Situation in the Middle East Region", UNICEF

<sup>311</sup> "Supplement to the Written Replies of the Government of Morocco to the list of issues to be taken in connection with the consideration of the initial report, submitted under Article 8 (1) of the Optional Protocol to the CRC on the Sale of the Children, Child Prostitution and Child Pornography" (CRC/C/OPSA/MAR/Q/1), 5 January 2006

and violence against domestic workers, many of whom are minors.<sup>312</sup> In 2006, the Committee on the Rights of the Child recommended Morocco to establish a monitoring and reporting system on all cases of exploitation and abuse of children along with a mechanism for follow up.

**Trafficking** in persons is prohibited under the 2003 Immigration and Emigration Act. Under the law, 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. However, despite this ban, there are reports that persons were trafficked to, from, and within the country, for forced labour and sexual exploitation. Internal trafficking – of girls sent involuntarily to serve as domestic workers – remains a problem. It remains, however, difficult to determine the number of cases of children who are trafficked for the purposes of commercial or sexual exploitation.<sup>313</sup> The country is the focal point for the Arab-African region on the follow up to the Yokohama Declaration and Action Plan, and launched in 2003-2004 a campaign to fight against the **commercial sexual exploitation of children**.

**Early marriage** also remains an issue especially in rural areas, with UNICEF reporting in 2004 that 16 per cent of all marriages were child marriages.<sup>314</sup> While the Family Code established the minimum age of marriage for women and men at 18 years, judges are still allowed to authorize marriages before that age, including girls as young as 13, without any mandatory legal conditions having been fulfilled.<sup>315</sup>

Morocco has ratified the International Labour Organisation Conventions 182 and 183, and has set the age of admission to employment at 15 years. A new labour code is being developed. The law protects children from **economic exploitation** and prohibits **forced or compulsory labour**. Legal sanctions, against employers who recruit children under the age of 15, range from \$2,800 to \$3,300. However, due to limited resources, inspection by the Ministry of Employment remains limited, especially in private homes where the practice of 'adoptive servitude'<sup>316</sup> persists, and in the agricultural sector, where some 80 per cent of the country's underage workers are concentrated.<sup>317</sup> In total, 11 per cent of children between 5 to 14 years of age are engaged in work.<sup>318</sup>

The Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, during a visit to Morocco in 2000, confirmed that the situation of widespread abuse of young girls working as household maids, or *petites bonnes*, is amongst the most serious problems confronting Moroccan children. In most cases, the girls, 50 per cent of whom are below the age of 10, are sent by their families from rural areas to work as maids in houses in the cities.<sup>319</sup> The Secretariat of Families, Children, and the Handicapped report estimated that some 66,000 underage girls work as domestic

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<sup>312</sup> "Concluding observations of the Committee on the Elimination of Discrimination against Women: Morocco", Committee on the Elimination of Discrimination against Women, CEDAW/C/MAR/CO/4, 1 February 2008

<sup>313</sup> Written Replies, Op.Cit

<sup>314</sup> 1987-2006, UNICEF data, Op.Cit

<sup>315</sup> Concluding Observations of the Committee on the Elimination of Discrimination against Women, Op.Cit

<sup>316</sup> Adoptive servitude refers to practice whereby urban families 'adopt' rural girls and 'use' them as domestic servants.

<sup>317</sup> For more information, see "Helping Hands or Shackled Lives: Understanding Child labour and Responses to it", International Programme on the Elimination of Child Labour (IPEC), International Labour Organisation, 2004

<sup>318</sup> Data concerns 1999-2006, UNICEF, Op.Cit

<sup>319</sup> "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos", Commission on Human Rights, E/CN.4/2001/78/Add, 17 November 2000

servants. According to a 2005 Human Rights Watch report, the country denied child maids basic labour rights, and authorities rarely punished employers who abused children.<sup>320</sup>

Programmes to reduce child labour are supported by the International Programme for the Elimination of Child Labour (IPEC)-Morocco by the International Labour Organisation and UNICEF. A bill on domestic labour aimed at ending child labour and the economic exploitation of children was drafted by the Ministry of Employment in 2006 and has been submitted to the General Secretariat of the Government.<sup>321</sup>

Street children from Morocco who are trafficked to Spain also suffer from abuse and exploitation. A 2002 report revealed that Moroccan migrant children in Spain are beaten by police and abused by the staffs of unclean and congested residential centres. Spain also deports children as young as 11, sending them back to Morocco, where they are similarly mistreated.<sup>322</sup> In 2003 more than 6,000 unaccompanied minors were repatriated, and upon returning to the country, they encountered financial difficulties and abuse on the streets as well as abuse by border officials.

In 2005 the government committed \$4.2 million (37.6 million dirhams) to a joint program of the Ministries of Employment, Health, and Social Welfare, “through which the ministries will join with private organisations to offer vocational training, job placement, and micro-credits to assist adult beggars and the parents of child beggars”.<sup>323</sup> Vagrant children who are forced to beg on the streets, sell items or prostitute themselves in order to survive, have been more likely, however, to be treated as delinquents than victims.<sup>324</sup>

There are no laws to protect men, women and children with **disabilities**. The Office of the Secretary of State for Families, Children, and the Handicapped is responsible for integrating disabled persons into society. However, most of the assistance provided in practice is through charitable associations. Reform of the **juvenile justice system** is currently before parliament. The family law protects and gives rights to **abandoned children**.

Limited information is available about children’s rights in Western Sahara. Data are included in the national statistics and few non-governmental organisations are active there. There appears to be no situation analysis of the particular challenges faced by children in the territory, although it is reported that street children and abandoned children are the most common problems.<sup>325</sup>

#### 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

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<sup>320</sup> “Inside the Home, Outside the Law: Abuse of Child Domestic Workers in Morocco”, Human Rights Watch, December 2005

<sup>321</sup> ‘National Report’, Morocco’s Submission to the Human Rights Council, Universal Periodic Review of Morocco, 18 April 2008

<sup>322</sup> “Nowhere to Turn: State Abuses of Unaccompanied Migrant Children by Spain and Morocco,” Human Rights Watch, May 2002, <http://www.hrw.org/reports/2002/spain-morocco/spnmorc0502.pdf>.

<sup>323</sup> US State Department, Op.Cit

<sup>324</sup> “Report of the Special Rapporteur”, Op. Cit

<sup>325</sup> Paragraph on rights of Sahrawi children is extracted from “Making Children’s Rights Work”, Op. Cit

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.<sup>326</sup> Morocco spends 6 per cent of Gross Domestic Product on education; however, both the quality and coverage of education remains weak, according to the World Bank.<sup>327</sup>

Although illiteracy is slowly receding, rates remain very high, and at 47 per cent are among the highest in the Middle East and North Africa region. Similarly, although school enrolment is increasing, 2.5 million children, mainly rural girls, still do not attend school. Quality is also an issue as evidenced by poor retention rates: 25 per cent of schoolchildren drop out before the fifth grade, and only 10 per cent make it to 11<sup>th</sup> grade. Net primary school enrolment rate averaged 89 per cent for boys and 83 per cent for girls, and net secondary school enrolment rate averaged only 38 per cent for boys, and 32 per cent for girls.<sup>328</sup>

Under the National Action Plan for Children (2005-15), the government has begun improving the quality of education and teaching, particularly in rural areas. According to the Ministry of National Education, 62 per cent of girls and 58 per cent of boys completed the ninth grade in the academic year 2005 – 06. The drop-out rate for the lower grades was between three and four percent. The reduction in the rate was a result of boarding schools established in small towns and rural areas.<sup>329</sup>

Data on school achievement by ethno-linguistic background is difficult to find. The strong political suppression of the Berber language in favour of Arabic; has begun to change, and Berber is now taught in a growing number of primary schools.<sup>330</sup>

##### **5. Status of the Right to protection and education 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. No information was found on status of right to protection and education under natural disasters.

##### **6. Stakeholder (duty-bearers) analysis – civil society**

Government: The Office of the Secretary of State for Family Affairs and Social Welfare was established to coordinate all actions regarding children. However, the Committee of the Rights of the Child remains concerned that this body does not have the financial and human resources to coordinate the implementation of the CRC. The Ministry of Justice plays a key role in child protection, as does the Superior Commission and the Permanent Council on abandoned children and supervised education, and the National Observatory for Children's Rights, which has established two centres for awareness raising campaigns and direct assistance for children victims of violence. The National Observatory is also working with the Ministry of Justice to monitor and

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<sup>326</sup> "Third Periodic Report to the Committee on Economic, Social, and Cultural Rights", Government of Morocco, E/1994/104/Add.2917 January 2005

<sup>327</sup> "Morocco – Country Brief", World Bank, April 2008, see [www.worldbank.org](http://www.worldbank.org)

<sup>328</sup> 2000-2006 Estimates, UNICEF, Op.Cit

<sup>329</sup> US State Department Report, Op.Cit

<sup>330</sup> "Youth: An Undervalued Asset: Towards a New Agenda in the Middle East and North Africa", World Bank, September 2007

prevent child abuse. The Committee on the Rights of the Child has welcomed the efforts of the government to organise specific training courses offered to professional groups working with and for children, such as teachers, judges, police officers, donors and social workers.<sup>331</sup> A more in-depth institutional assessment of government bodies is needed, including on capacity building support – in child participation for example – that they may require.

Civil Society: Morocco has a vibrant civil society, with an estimated 45,000 civil society groups, including charitable organisations, human rights organisations, women’s organisations and youth groups. Many of the NGOs are actively involved in policy, advocacy and campaigning work. The women’s rights movement, for example, successfully campaigned for the newly adopted and progressive Family Status Law, while the human rights movement has been instrumental in reporting on human rights abuses.<sup>332</sup> Authorities do not hamper international NGOs and human rights organisations from working or visiting Morocco and often respond to their letters of concern, according to Human Rights Watch. However, 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 criminalize attacks on the country’s “territorial integrity.”<sup>333</sup>

Numerous civil society groups dedicated to child rights have been formed, and a network of NGOs has been created to ensure coordination between different actors working with street children.<sup>334</sup> The Moroccan League for the Protection of Children has created Children’s Clubs, and the association Ennakhil pour la Femme et L’Enfant in Marrakech works with child victims of sexual exploitation, who are usually between the ages of 8 and 16.<sup>335</sup> Bayti, an association that works to socially reintegrate street children, working children, abandoned children, juvenile delinquents, and sexually exploited children, focuses on parental education, workshops, and professional training.<sup>336</sup> Other organisations include L’Heure Joyeuse, which works with street children in Casablanca, and Al Karam, which works with street children in Safi and Marrakech. Touch Pas à Mon Enfant works on child abuse, INSAF and Solidarité Féminine with children of single mothers.<sup>337</sup> The government has also encouraged the creation of Children’s Parliaments, although limited information is available on their effectiveness.

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<sup>331</sup> Committee on the Rights of the Child, 2006, Op. Cit

<sup>332</sup> “Overview of Civil Society in the Arab World”, Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

<sup>333</sup> “Morocco: Allow Free Expression in Western Sahara”, New York, January 7 2008, on Human Rights Watch

<sup>334</sup> “Regional Scoping Exercise”, A. Hauzar, E. Eidaous and A. Al Kassir, Save the Children UK, March 2007

<sup>335</sup> “ECPAT International Online Database”, ECPAT, 11 March 2004, <http://www.ecpat.net>.

<sup>336</sup> Bayti Association Web site, April 2004, <http://victorian.fortunecity.com/crayon/651/home.html>.

<sup>337</sup> “Rapport de la section Maroc du Groupe des ONG pour la Convention relative aux droits de l’enfant, suite au Rapport initial du Royaume du Maroc d’avril 2004 sur la mise en œuvre du Protocole facultatif à la Convention relative aux droits de l’enfant, concernant la vente d’enfants, la prostitution des enfants et la pornographie mettant en scène des enfants”, Terre des Hommes Lausanne, Casablanca, September 2005

**Table 8: Morocco, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Not ratified			
Convention on the Rights of the Child	Ratification	26.01.1990	21.06.1993	21.07.1993
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Ratification	08.09.2000	22.05.2002	22.06.2002
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Ratification	08.09.2000	02.10.2001	18.01.2002
ILO Convention N. 138 on Minimum Age	Ratification		06.01.2000	
ILO Convention N. 182 on Worst Forms of Child Labour			26.01.2001	
Convention on the Elimination of All Forms of Racial Discrimination	Ratification	18.09.1967	18.12.1970	17.01.1971
International Covenant on Economic, Social and Cultural Rights	Ratification	19.01.1977	03.05.1979	03.08.1979
International Covenant on Civil and Political Rights	Ratification	19.01.1977	03.08.1979	03.05.1979
Convention on the Elimination of All Forms of Discrimination against	Accession		21.06.1993	21.07.1993

Women				
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Ratification	08.01.1986	21.06.1993	21.07.1993
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Ratification	15.08.1991	21.06.1993	01.07.2003
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Rights of Persons with Disabilities	Signature Only	30.03.2007		
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			
Convention relating to the Status of Refugees	Succession		07.11.1956	

## Chapter 9: Oman

### **1. Context**

#### 1.1 Background

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.<sup>338</sup> The total number of inhabitants of the Sultanate of Oman stands at 2.5 million, with approximately 50 per cent of inhabitants under the age of 18.<sup>339</sup>

The country has embarked on an ambitious series of economic reforms. The "Vision for Oman's Economy 2020", adopted in 1995 charted the path of the Sultanate towards more market oriented policies, private sector development and structural adjustment process aimed at decreasing reliance on oil sector and having a more diversified economic basis.<sup>340</sup>

Oman has made considerable investments in the social sector, which has led to progress in social development, including significant reductions in infant and under-5 mortality and an annual immunisation rate of almost 98 per cent. The World Health Organisation puts Oman in the top 10 nations in terms of healthcare performance.<sup>341</sup> The country now ranks 58 out of 177 countries with Human Development Index data.<sup>342</sup>

Despite a number of legal reforms, including the 2000 decree to allow all citizens over 21 years to vote and the 2003 amendments allowing women to participate in legislative elections, political and

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<sup>338</sup> "Oman: Country Profile", Foreign and Commonwealth Office, last updated 13 November 2006, <http://www.fco.gov.uk/en/about-the-fco/country-profiles/middle-east-north-africa/oman>

<sup>339</sup> "Oman: Second Periodic Report of State Parties Due in 2004, Consideration of Reports Submitted by State Parties Under Article 44 of the Convention on the Rights of the Child", CRC/C/OMN/2, Committee on the Rights of the Child, 8 May 2006

<sup>340</sup> For more information on economic reforms, see the Ministry of National Economy website [http://www.moneoman.gov.om/eco\\_money.asp](http://www.moneoman.gov.om/eco_money.asp)

<sup>341</sup> "World Health Organization Assesses the World's Health Systems", World Health Organisation, 2000, available at [http://www.who.int/whr/2000/media\\_centre/press\\_release/en/index.html](http://www.who.int/whr/2000/media_centre/press_release/en/index.html)

<sup>342</sup> "Oman: Country Fact Sheets", Human Development Report 2007/2008, United Nations Development Programme, [http://origin-hdrstats.undp.org/countries/country\\_fact\\_sheets/cty\\_fs\\_OMN.html](http://origin-hdrstats.undp.org/countries/country_fact_sheets/cty_fs_OMN.html)



civil rights of citizens and non-citizens are still limited. There are no licensed political parties, freedom of press remains constrained, and Oman's and practices still contain discriminate against women in areas such as personal status, employment and participation in public life, and not granting Omani nationality to Omani women married to non-Omanis.<sup>343</sup> In addition, legal protection and enforcement to secure the rights of migrant workers, particularly domestic workers, can be strengthened. Oman acceded in 2006 to the Convention on all Forms of Discrimination against Women, but has taken no action with regards to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Some 24 per cent of the population is composed of migrants, and there are concerns that children of migrant workers in Oman face discrimination on the basis of national origin in terms of access to social benefits and services.<sup>344</sup> Children from vulnerable groups also include children out of home care (5,575 orphans receive governmental care), those living with disabilities (11,406 children living with their families) and children in conflict with the law (1,134 children, mainly boys).<sup>345</sup>

Oman has reported that it will modify its budget categorisation system so that allocations for children may be more easily ascertained. UNICEF has been working with Oman to develop more 'child-friendly budgeting' process, and has organised Gulf sub-regional workshops on how to review and develop budget allocations for children.<sup>346</sup> However, information on breakdown of budgetary resources allocated for child survival, development and protection remains difficult to find, and the Committee on the Rights of the Child has recommended Oman to develop a specific budget allocation.<sup>347</sup>

## 1.2 Society 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 emphasizes 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 emphasizes the responsibilities of Muslim society for the care and *kafalah* (alternative care) of orphans and children of unknown parents'.<sup>348</sup> However, discrimination against the girl child and children born out of wedlock is widespread and institutionalised through the 1997 Personal Status Law and the 1999 Civil Status Law.<sup>349</sup>

## **2. Status of the Rights of the Child<sup>350</sup>**

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<sup>343</sup> This paragraph is extracted from "Oman Human Rights Country Profile" Programme on Governance in the Arab Region (POGAR), United Nations Development Programme, <http://www.pogar.org/countries/humanrights.asp?cid=13>

<sup>344</sup> "Concluding Observations, Oman, UN Convention on the Rights of the Child", Committee on the Rights of the Child, CRC/C/OMN/2, 29 September 2006

<sup>345</sup> "Written Replies from the Government of Oman to the List of Issues to be taken up in consideration of the second periodic report of Oman by the Committee on the Rights of the Child", CRC/C/OMN/Q/2/Add.1, Government of Oman, 22 August 2006

<sup>346</sup> "Call for Child-Friendly Budgeting from Sub-Regional Workshop organized by Bahrain Parliament and UNICEF, UNICEF, Bahrain 31 May 2006

<sup>347</sup> "Concluding Observations: Oman, UN Convention on the Rights of the Child," Committee on the Rights of the Child, 43rd Session, CRC/C/OMN/CO/2, 29 September 2006

<sup>348</sup> Second Periodic Report, Op.Cit

<sup>349</sup> "Concluding Observations: Oman, UN Convention on the Rights of the Child," Committee on the Rights of the Child, 28<sup>th</sup> Session, CRC/C/15/Add.161, 6 November 2001

<sup>350</sup> Information on the status of CRC ratification and reporting is from the United Nations Office of the High Commissioner for Human Rights website: <http://www.ohchr.org/EN/Countries/MENARegion/Pages/OMIndex.aspx>

Oman acceded to the Convention on the Rights of the Child (CRC) on 8 January 1997, with reservations to articles 7, 14, 19, 21 and 30. 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, and on the involvement of children in armed conflict on 17 September 2004.

It submitted its Initial Report to the Committee on the Rights of the Child on 5 July 1999, and Second Periodic Report on 28 April 2005. The Global Initiative to End All Corporate Punishment and Child Helpline submitted reports to the Committee on the Rights of the Child pre-sessional working group. Oman's Third and Forth Periodic Reports are due on July 7, 2012.

Oman has agreed to the "Cairo Declaration on Human Rights in Islam" issued in 1990 by foreign ministers of Muslim countries. Oman also acceded to the "Arab Charter of Human Rights/Amended" prepared by the Arab Summit in Tunisia in May 2004.<sup>351</sup> The country also signed the Arab Framework for the Rights of the Child, ratified by the summit-level Council of the League of Arab States (2001), and the Arab Plan for the Care, Protection and Development of Children (2004).<sup>352</sup>

In its review of the second periodic report, the Committee on the Right of the Child<sup>353</sup> welcomed 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 CRC, and non-discrimination, nationality, violence against children and child abuse, children with disabilities and the administration of juvenile justice, have not been sufficiently addressed.

The Committee welcomed legislative measures taken by Oman, such as the proposed bill for the care and rehabilitation of persons with disabilities and the draft act on juveniles which will raise the age of criminal responsibility from nine years to 14 years. However, the Committee recommended Oman to expedite the adoption of these laws and to strengthen its efforts to provide better legal protection for children and to ensure that relevant domestic laws are in full conformity with the principles of the CRC. It noted with concern that Oman has a limited rights-based approach to children.

### **3. Status of the Right to Protection**

Oman has put in place a number of measures to better protect children from violence, abuse, discrimination and neglect. In its review of the second periodic report of Oman in 2006, the Committee on the Rights of the Child welcomes 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.<sup>354</sup>

The current law punishes physical and bodily harm with stringent penalties.<sup>355</sup> The Omani Penal Code severely punishes indecent assault and the punishment is increased if the offence is against a

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<sup>351</sup> UNDP, Op.Cit

<sup>352</sup> Second Periodic Report, Op.Cit.

<sup>353</sup> Concluding Observations, 2006, Op.Cit

<sup>354</sup> Idem

<sup>355</sup> Information on legislative measures to protect children from violence and abuse are extracted from Oman's Second Periodic Report to the Committee on the Rights of the Child, 2006, Op. Cit.

child under 15 years of age or if the offender is an ascendant of the victim or a person responsible for the child's care, a person with authority over the child or a servant of any of those persons (art. 218). The obligation to report maltreatment of children includes teachers and doctors, both as public servants and as ordinary individuals.

Oman has put in place system for the reporting of **child abuse and neglect**, and has established the Family Counseling and Guidance to receive complaints and provide prevention and intervention services. The Ministry of Health and the Royal Oman Police have also joined in these efforts to reduce violence and abuse against children, and public awareness campaign, through radio and television programmes, has been launched.

The Omani legislation punishes **neglect and abandonment**. The failure of any father or mother to fulfill his or her responsibilities under the Personal Status Act may be reviewed by the courts in order to ensure such fulfillment, and Article 212 of the Omani Penal Code punishes any person who leaves his or her child, whether legitimate or illegitimate, in a state of need, either by refusing support or by neglecting to provide means of enabling such support. Non-payment of maintenance and neglect of a minor are also punished under articles 213 and 214.

Despite these important legislative efforts and programmes, there remain a number of gaps in the formulation and implementation of legislation related to child protection. Although there are no reliable and comprehensive sources of information on the prevalence of abuse and neglect, the Committee on the Rights of the Child notes that children continue to be victim of violence and abuse, with reports of high rate of injuries caused by the negligence of parents and other caregivers. The Committee also concluded that professionals working with and for children are not fully trained to report cases of child abuse and that the overall system to handle child abuse cases is defective.

**Corporal punishment** is forbidden in schools, but lawful at home, in institutions and alternative care settings.<sup>356</sup> In spite of the ban on corporal punishment at schools, a qualitative study by UNICEF and the Ministry of Social Development showed that some teachers might resort to corporal punishment as a disciplinary measure. The study also indicated that corporal punishment at homes is linked to educational level of parents, with families who have the least schooling and education resort to means of punishment that include shouting, chastisement and beating.

**Female genital mutilation** is practiced in Oman. A comprehensive health survey of 2001 indicated that 85 per cent of women agreed with female circumcision, and medical examinations showed that the proportion of female circumcision is as high as 53 per cent, with excision at 45.6 per cent, and infibulations at 7.5 per cent.<sup>357</sup>

Oman is also in process of preparing draft **Juvenile Law**, and with UNICEF encouragement, the amended law will increase the minimum age for criminal responsibility from nine to 14 years,

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<sup>356</sup> “Briefing for the Committee on the Rights of the Child, Pre-Sessional Working Group”, Peter Newell, Global Initiative to the End all Corporal Punishment of Children, May/June 2006

<sup>357</sup> Second State Periodic Report, Op.Cit

stipulate the definition of juvenile is maintained at 18 years and take into account UN standards for juvenile justice.<sup>358</sup>

In the past few years, Oman has put in place legislative measures to better protect children from **economic exploitation**. On 21 July 2005, Oman ratified the International Labour Organisation Convention No. 138 concerning Minimum Age for Admission to Employment, and raised the minimum age of employment to 15. Oman also introduced ban on the use of child camel jockeys. However, the current labour law does not extend legal protection to children in the informal sector, for example, in agriculture and family-owned businesses, where child labour tends to be concentrated, and there is insufficient data and analysis on child labour.

#### **4. Status of the Right to Education**

Primary education is not compulsory. The Ministry of Education is continuing the effort to make education available to all school-age children from 6 to 18 years of age. Net enrolment rate for primary schooling is 73 per cent for boys and 74 per cent for girls, while net enrolment rate for secondary schooling is 77 per cent for boys and girls.

Non-national children are admitted to government schools under the same terms as students who are nationals, without disparity and free of charge. General education is free of charge in the first to twelfth grades for all males and females of school age, meaning that the family pays 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. In 2005/6, 481 million Omani Rials were earmarked to education (6-18 years of age) in all regions of the Sultanate. In total, an estimated 24 million were allocated to special education.<sup>359</sup>

Oman has introduced series of basic education reforms, which includes the adoption of a child-centred approach to learning. However, drop out and repetition rates, especially among boys, remain high. In the school year 2004/5, 6,045 boys and 2,494 girls dropped out of school, and nearly 3,000 children repeated a year. Children with disabilities, in general, have inadequate access to specialised services and education, and there is insufficient support for families.

The situation with pre-schools remains a concern, according to UNICEF.<sup>360</sup> Currently, only around eight per cent of children of pre-school age are enrolled. The quality of pre-school institutions is low, while the responsibility for supervising these institutions is not well defined, and the government does not want to assume any direct financial responsibility for the education of this age group of children until the Basic Education Project is completed in 2018.

#### **5. Status of the Right to protection and education under emergencies**

There is an information gap with regards to the status of the right to protection and education under natural disasters or armed conflict. While not signatory to UN Convention relating to the Status of Refugees, the Omani legislation provides for the granting of asylum or refugee status in accordance

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<sup>358</sup> "At a Glance – Oman, the Big Picture", UNICEF website, <http://www.unicef.org/infobycountry/oman.html>

<sup>359</sup> Written Replies from the Government of Oman, Op.Cit

<sup>360</sup> This section on pre-schools is extracted from UNICEF, Op.Cit

with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution, but does not in general grant refugee or asylum status.<sup>361</sup> The law prohibits the extradition of political refugees, but generally the country does deport those that have entered the country illegally.

#### **6. Stakeholder (duty-bearers) analysis – civil society**

Government: The National Follow-Up Commission on Implementation of the Convention on the Rights of the Child forms the official body that monitors and coordinates efforts for implementation of the provisions of the Convention. The Commission and the National Committee for the Care of the Child are together drawing up a comprehensive plan for implementation of the CRC. The Committee on the Rights of the Child has recommended Oman to further enhance the role and capacity of the National Committee for the Care of the Child and strengthen multi-sectoral coordination between the bodies and institutions working on the implementation of the CRC at all levels in order to ensure adequate implementation throughout country.

Civil society groups: Civil society in Oman is weak and limited, with only a dozen registered NGOs and 42 government approved women's associations; the government has not approved the establishment of independent human rights organisations.<sup>362</sup> 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.<sup>363</sup> 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.

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<sup>361</sup> "Oman 2006 - Country Report on Human Rights Practices" US State Department, March 6, 2007, <http://www.state.gov/g/drl/rls/hrrpt/2006/78860.htm>

<sup>362</sup> "Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

<sup>363</sup> Second Periodic Report, Op.Cit

**Table 9: Oman, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Not ratified			
Convention on the Rights of the Child	Accession		09.12.1996	08.01.1997
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Accession		17.09.2004	17.10.2004
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Accession		17.09.2004	17.10.2004
ILO Convention N. 138 on Minimum Age	Ratification		21.07.2005	
ILO Convention N. 182 on Worst Forms of Child Labour	Ratification		11.06.2001	
Convention on the Elimination of All Forms of Racial Discrimination	Accession		02.01.2003	01.02.2003
International Covenant on Economic, Social and Cultural Rights	No action			
International Covenant on Civil and Political Rights	No action			
Convention on the Elimination of All Forms of Discrimination against	Accession		07.02.2006	09.03.2006

Women				
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	No action			
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No action			
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Rights of Persons with Disabilities	Signature Only	17.03.2008		
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			
Convention relating to the Status of Refugees	No action			

## Chapter 10: Qatar

### **1. Context**

#### 1.1 Background

The State of Qatar is a hereditary emirate ruled by the Al-Thani family. Since achieving independence in 1971, Qatar has become one of the wealthiest nations in the Middle East; this prosperity can be attributed almost entirely to hydrocarbons exports, which account for more than 60 per cent of total economic output.<sup>364</sup>

Since the coming of power of Emir Sheikh Hamad bin Khalifa Al-Thani in 1995, Qatar has made significant strides in political liberalisation, with the holding of municipal council elections in 1999 and 2003 and the granting of women's suffrage. The publicly-approved 2005 constitution cemented the country's political reforms including the move towards independent judiciary, legislative advisory council and increased transparency of government funding. However, political parties are still not allowed and in practice, the law imposes considerable restriction on freedom of assembly and association, and reports of government revocation of citizenship persist.<sup>365</sup>

Amnesty reports that despite the progress made by the government of Qatar in the field of human rights, sporadic allegations of cruel, inhuman and degrading punishments continue to be reported – namely corporal punishment prescribed by the government's interpretation of Islamic law. The human rights organisation also states that there are indications that the police in Qatar are reluctant to treat violence, particularly violence within the family, as a criminal matter although such violence constitutes an assault under strict application of the law.<sup>366</sup> In addition to domestic violence, a number of gender issues persist. The political participation of women remains low, women are still not able to pass on their nationality to their children, and laws that govern inheritance and child custody are still discriminatory towards women. The government has yet to ratify the Convention on all Forms of Discrimination against Women.

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<sup>364</sup> "The Report: Emerging Qatar 2007", Country Business Intelligence Report, Oxford Business Group, 2007

<sup>365</sup> "Qatar: Civil Society Country Profiles", Programme on Governance in the Arab Region (POGAR), United Nations Development Programme, , <http://www.pogar.org/countries/civil.asp?cid=15>

<sup>366</sup> "2008 Annual Report for Qatar", Amnesty International USA, available at <http://www.amnestyusa.org/annualreport.php?id=ar&yr=2008&c=QAT>



Overall, women and men citizens of Qatar enjoy a high living standard, and the government commits substantial spending into infrastructure, education, health and social services projects. No breakdown on budgetary allocation on children's issues is available.<sup>367</sup>

Qatar has a population of 828,000, out of which some 204,000 are under the age of 18.<sup>368</sup> Only 21.7 per cent are nationals.<sup>369</sup> Non-citizen foreign nationals, mainly from India, Pakistan and Arab, do not receive the same benefits as citizens, for example with regards to access to free of charge social services.<sup>370</sup> Migrant workers, particularly women domestic workers, are vulnerable to economic exploitation, such as long working hours, withholding or delay in the payment of wages; and physical and mental abuse are common complaints according to the UN Special Rapporteur on Trafficking in Persons.<sup>371</sup> Children of migrant workers' in Qatar are particularly vulnerable, according to the Committee on the Rights of the Child.<sup>372</sup> Furthermore, the unresolved legal status of stateless Arabs<sup>373</sup> has resulted in discrimination against these non-citizens, with reports of summary deportation orders against "Bidouns", although all family and economic ties remained in the country<sup>374</sup>

## 1.2 Society and culture in regards children

The influence of Bedouin tribal traditions is still strong. The Committee on the Rights of the Child has expressed its concern towards the traditional practices used in raising children in families and schools, which may be disrespectful to children's opinions and could reduce their chances of expressing themselves.<sup>375</sup>

## **2. Status of the Rights of the Child<sup>376</sup>**

The United Nations Convention on the Rights of the Child (CRC) was signed by Qatar on 8 December 1992, and entered into force on 3 May 1995. Upon ratification of the CRC, Qatar entered a general reservation by the State of Qatar concerning provisions incompatible with Islamic Law.

Qatar submitted its initial report on the implementation of the CRC to the Committee on the Rights of the Child on 29 October 1999. Its second periodic report was due on 2 May 2002, and has yet to be produced. It acceded to the two Optional Protocols to the CRC in 2002, and submitted the reports on the implementation of the Optional Protocol to the CRC on the Sale of the Child, Child Prostitution and child Pornography in 2005, and the report on the Optional on the Involvement of Children in Armed Conflict in 2006.

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<sup>367</sup> "Committee on the Rights of Child examines initial report of Qatar on Sale of Children and Child Prostitution", News and Media, United Nations Office at Geneva, 17 May 2006

<sup>368</sup> "At a Glance: Qatar – Statistics", UNICEF, [http://www.unicef.org/infobycountry/qatar\\_statistics.html](http://www.unicef.org/infobycountry/qatar_statistics.html)

<sup>369</sup> "Qatar, Migration and Remittances Factbook", World Bank, <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Qatar.pdf>

<sup>370</sup> "Qatar, Democracy Coalition Project", [http://www.demcoalition.org/pdf/27\\_Qatar.pdf](http://www.demcoalition.org/pdf/27_Qatar.pdf)

<sup>371</sup> "Expert on Trafficking in Persons Ends Visit to Qatar, Press Release", United Nations, 12 November 2006

<sup>372</sup> "Concluding Observations of the Committee on the Rights of the Child", Twenty Eight Session, Consideration of Initial Report Submitted by Qatar, CRC/C/15/Add.163, 6 November 2001

<sup>373</sup> "Bidouns" short for bidoun jinsiyya, meaning without citizenship in Arabic

<sup>374</sup> "Qatar: 2007 Country Report on Human Rights Practices", US State Department, March 11 2008

<sup>375</sup> "Draft Programme Draft Programme of Co-operation between the Government of Qatar and UNICEF Gulf Area Office, 2007 – 2009", UNICEF

<sup>376</sup> Information on the status of CRC ratification and reporting is from the United Nations Office of the High Commissioner for Human Rights website: <http://www.ohchr.org/EN/Countries/MENARegion/Pages/QAIndex.aspx>

Upon review of the initial report on the CRC, the Committee on the Rights of the Child issued amongst others the following recommendations and observations<sup>377</sup>:

- Children under 18 years of age may be tried for crimes as adults and that they may be subject to the same penalties, including death penalty, life imprisonment or judicial sanctions such as flogging for offences.
- Minimum age for marriage and employment are unclear under Qatari law, and minimum age requirements need to be reviewed to conform to CRC provisions.
- Discrimination against females and children born out of wedlock are institutionalised through the existing personal status law persist (e.g. in inheritance, custody and guardianship).
- The principles of best interests, non-discrimination and respect for the views of the child are not sufficiently incorporated into legal and institutional frameworks.

### 3. Status of the Right to Protection

In its review of Qatar's initial report on the implementation of the Optional Protocol to the CRC on the Sale of the Child, Child Prostitution and Child Pornography in 2006, the Committee of the Right on the Child welcomed the adoption of the new Constitution, which strengthens the human rights of all citizens, and protects children, providing care for young persons and protecting them from exploitation and neglect.

A national committee, composed of the Higher Council on Family Affairs, was formed in 2006 to draft a law on the rights of the child, based on the CRC and its optional protocols. The State of Qatar is paying increased attention to developing legislative framework to protect children from violence, neglect and abuse.

Programmes for the protection of children include the establishment in 2005 of ***Qatar's House for Lodging and Human Care***, to provide social, legal, psychological and medical assistance to victims of abuse, and to liaise with the police, the courts and the Director of the Human Rights Unit in the Ministry of Interior, and ***the Qatari Foundation for the Protection of Women and Children***, which runs three Hotlines<sup>378</sup> and provides face to face counselling services. The Foundation handled in 2006, 190 cases involving children during the year, including cases of maltreatment, psychological abuse, and neglect, while only two cases involved sexual harassment. Most of the children's cases were referred to from schools, hospitals, and the neighbourhoods.<sup>379</sup> In addition, the Supreme Council has set up the ***Motherhood and Childhood Cultural Centre*** and the Orphans Care Centre to provide services to children in need.

The Committee on the Rights of the Child has expressed its appreciation of child protection programmes being implemented by Qatar, but remains concerned about issues of child abuse and exploitation in Qatar. It recommends establishing a 24-hour service toll-free, 3-digit hot-line for child victims of violence and abuse, and recommends Qatar to take special measures to address the situation of vulnerable groups of children, such as the children of migrant workers or trafficked

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<sup>377</sup> Concluding Observations of the Committee on the Rights of the Child, Op.Cit

<sup>378</sup> "Report of the Special Rapporteur on trafficking in persons, especially women and children", Sigma Huda, Mission to Bahrain, Oman and Qatar, Human Rights Council, A/HRC/4/23/Add.2, 25 April 2007

<sup>379</sup> "Qatar – 2006 Country Reports on Human Rights Practices", US State Department March 6, 2007

children, who are at particular risk of being victims of multiple forms of exploitation, and to allocate adequate human and financial resources for the implementation of programmes for the protection of the rights of vulnerable children.

In 2003, the government also developed a National Plan to address **trafficking** and appointed a National Coordinator on Trafficking, who reports directly to the Supreme Council for Family Affairs and collaborates with focal points in a number of other Government institutions, including the Attorney-General's office, the Ministry of Justice and the Ministry of Interior.<sup>380</sup>

One of the most important child protection issues has been the trafficking of young children particularly for use as camel child jockeys. To redress this situation, Qatar promulgated Law No. 22 of 23 May 2005 on Banning the Employment, Training and Participation of Children in Camel Racing. Violation of this law is punished with 3 to 10 years' imprisonment and a fine of 50,000 to 200,000 Riyals. In addition, an office for human rights in the Ministry of the Exterior and the National Office for combating trafficking in persons within the Supreme Council for Family Affairs have been set up to raise awareness of trafficking in human beings in order to prevent this phenomenon and also assist victims of trafficking.<sup>381</sup> It has also invested in the development of robot jockeys to decrease demand for child jockeys. However, there have been reports that despite repatriation of a large number of children, some were retained as farm workers living in difficult conditions.<sup>382</sup>

The law prohibits forced and compulsory labour by children. Qatar has ratified the International Labour Organisation Convention on the Worst Forms of Child Labour (No. 182) but has not ratified the Convention on Minimum Age Convention (No.138). Children between the ages of 15 and 18 years have the right to work with parental consent. Some children work in family-owned businesses. Employers need to ask permission from the Ministry of Education for hiring minors. Minors are not allowed to work more than 6 hours a day or 36 hours per week. Employment of minors can be prohibited in the case of dangerous or unhealthy work. Despite such laws, child labour is still an issue, especially for non-citizen children.<sup>383</sup>

#### **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 endeavor to realize the implementation of compulsory general education, free of charge at all levels'. Education in Qatar is free for children until the age of 15. Statistics indicate that 39 per cent of children between 3 and 5 years of age are registered in pre-school nurseries. In terms of elementary education, the total enrolment average for boys and girls amounted to over 100 per cent while the net enrolment rate was 96 per cent. Net enrolment average for second schools is 91 per cent for boys and 89 for girls.<sup>384</sup>

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<sup>380</sup> Report of the Special Rapporteur Op.Cit

<sup>381</sup> "Concluding Observations: Qatar: Committee on the Rights of the Child", Forty sixth session, Consideration of Reports Submitted by State Parties Under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography, CRC/C/OPSC/QAT/CO/1, 2 June 2006

<sup>382</sup> Report of Special Rapporteur, Op.Cit

<sup>383</sup> "Making Children's Rights Work: Country Profile on Qatar", International Bureau for Children's Rights, 2007

<sup>384</sup> 2000-2006 Data, "Qatar – Statistics", UNICEF, [http://www.unicef.org/infobycountry/qatar\\_statistics.html](http://www.unicef.org/infobycountry/qatar_statistics.html)

The government provides free education for citizen and for non-citizen whose parents work in government sector. The lack of primary educational services to non-citizen children caused hardship for a substantial part of the expatriate population living in the country.<sup>385</sup>

The Committee on the Rights of the Child has expressed its concern regarding the focus of the education sector on teaching by rote instead of developing the child's analytical and participation skills. The Supreme Education Council (SEC), created in 2002, has been charged with the complete overhaul of all stages of the traditional Qatari school system. SEC's most visible programme thus far involves the steady shifting of public schools to government-funded independent schools.<sup>386</sup>

#### **5. Status of the Right to protection and education under emergencies**

Qatar has declared its intention to accede to the 1951 Convention relating to the Status of Refugees.<sup>387</sup> 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.<sup>388</sup>

#### **6. Stakeholder (duty-bearers) analysis – civil society**

Government Structures: The Qatari Supreme Council for Family Affairs is the main governmental body responsible for children's issues. Qatar has undergone substantial liberalisation in recent years. The Emir, Sheikh Hamad bin Khalifa Al-Thani announced in 2002 the establishment of a National Human Rights Committee composed of representatives drawn from government ministries and civil society. In addition, Sheikh Hamad's wife, Sheikha Mozah bint Nasser Al Missned, has recently established the Arab Foundation for Democracy. A more thorough scoping exercise is needed to determine the effectiveness of these institutions.

Civil society is restricted. All associations need to register with the Ministry of the Interior, and the law still imposes considerable restrictions on associations - independent human rights and women's rights organisations have been refused licenses.<sup>389</sup>

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<sup>385</sup> US State Department, Op.Cit

<sup>386</sup> Oxford Business Group, Op.Cit

<sup>387</sup> "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

<sup>388</sup> "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, NGO Group for the Convention of the Rights of the Child

<sup>389</sup> "Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

**Table 10: Qatar, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Not ratified			
Convention on the Rights of the Child	Ratification	08.12.1992	03.04.1995	03.05.1995
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Accession		25.07.2005	25.08.2002
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Accession		14.12.2004	14.01.2002
ILO Convention N. 138 on Minimum Age	Ratification		03.01.2006	
ILO Convention N. 182 on Worst Forms of Child Labour	Ratification		30.05.2000	
Convention on the Elimination of All Forms of Racial Discrimination	Accession		22.07.1976	21.08.1976
International Covenant on Economic, Social and Cultural Rights	No action			
International Covenant on Civil and Political	No action			

Rights				
Convention on the Elimination of All Forms of Discrimination against Women	No action			
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Accession		11.01.2000	10.02.2000
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No action			
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Rights of Persons with Disabilities	Signature Only	09.07.2007		
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			
Convention relating to the Status of Refugees	No action			

## Chapter 11: Saudi Arabia

### **1. Context**

#### **1.1 Background**

The Kingdom of Saudi Arabia is a monarchy ruled by the Al Saud family, with a population of 24 million, out of which nearly 9.7 million are under the age of 18.<sup>390</sup> The government is headed 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.

With around one-quarter of the world's known oil reserves, the Kingdom of Saudi Arabia comprises 25 per cent of the Gross Domestic Product of the entire Arab world.<sup>391</sup> The government is pushing ahead with economic liberalisation and structural reforms, and is striving to diversify its economy.

Oil export income has led to high economic growth and substantial investments in infrastructure and basic services such as education, health facilities, safe drinking water and utilities. 27.6 per cent of government expenditure was allocated to education and 9.4 per cent to health.<sup>392</sup> Although the government invests heavily in social sectors, such as health and education, budgetary allocation for child protection issues remains limited.<sup>393</sup>

While the standard of living of the population has improved significantly, there has been limited progress in promoting civil and political rights. Human rights conditions remain poor in Saudi Arabia. Curbs on freedom of association and expression, unfair trials, arbitrary detention, mistreatment and torture of detainees, restrictions on freedom of movement, and lack of official accountability remain serious concerns. Saudi law and policies discriminate against women, foreign workers, and religious

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<sup>390</sup> "Saudi Arabia – Country at a Glance", UNICEF, [http://www.unicef.org/infobycountry/saudiarabia\\_statistics.html](http://www.unicef.org/infobycountry/saudiarabia_statistics.html)

<sup>391</sup> For more information, see "Saudi Arabia - Country Business Intelligence Report", Oxford Business Group, 2008  
<http://www.oxfordbusinessgroup.com/publication.asp?country=44>

<sup>392</sup> 2004 data on education was extracted from [http://www.childinfo.org/files/MENA\\_Saudi\\_Arabia.pdf](http://www.childinfo.org/files/MENA_Saudi_Arabia.pdf), and 2003 data for health from <http://www.emro.who.int/emrinfo/index.asp?Ctry=saa>

<sup>393</sup> "Concluding Observations of the Committee on the Rights of the Child: Saudi Arabia", UN Committee on the Rights of the Child, 40<sup>th</sup> Session, CRC/C/SAU/CO2, 17 March 2006

minorities, especially Shia and Ismaili Saudis.<sup>394</sup> The concept of male guardianship over women (*mehrem*), although it may not be legally prescribed, seems to be widely accepted<sup>395</sup>. Women must obtain permission from their father, husband, even sons, acting as male guardians to work, travel, study, marry, receive health care, and access government agencies. The country ratified in 2000 the UN Convention on all Forms of Discrimination against Women.

Migrant workers represent more than 50 per cent of the workforce. Many of the eight million migrant workers are at risk of exploitation and abuse, such as excessively long working hour and delays in payment of wages. The labour law excludes domestic workers and as such women domestic workers, mainly from Philippines, Indonesia and Sri Lanka, are vulnerable to conditions of forced labour.

There are approximately 240,000 refugees in Saudi Arabia, the majority of which are Palestinians, and there are also 70,000 stateless persons.<sup>396</sup> The majority of the Iraqi refugees housed in Rafha refugee camp for over 12 years and that lived under very difficult circumstances have been resettled or repatriated. Stateless persons<sup>397</sup> are among the poorest residents of the country because of their marginalised status and societal discrimination with regards to access to employment and educational opportunities.<sup>398</sup> Human Rights Watch has reported that Saudi Arabia discriminates against Chadian resident - most were born in the kingdom but are increasingly denied the rights to basic education and emergency healthcare.<sup>399</sup>

### 1.2 Society and culture in regards to children

'While the culture in Saudi Arabia greatly prizes children, studies by female doctors indicate that severe abuse and neglect of children appear to be more widespread than previously reported'.<sup>400</sup> The persistently patriarchal socio-cultural traditions and attitudes have contributed to discrimination especially towards girls and children born out of wedlock in particular, according to the Committee on the Rights of the Child.<sup>401</sup> Social attitudes may deter and often prevent victims from reporting cases of violence and abuse.

## 2. **Status of the Rights of the Child**<sup>402</sup>

The UN Convention on the Rights of the Child (CRC) entered into force in Saudi Arabia on 25 February 1996. Upon accession, the government of Saudi Arabia expressed a general reservation with respect to all such articles that are in conflict with the provisions of Islamic law. Saudi Arabia has not ratified the Optional Protocols on the CRC on the Involvement of Children in Armed Conflicts and on the Sale of Children, Child Prostitution and Child Pornography.

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<sup>394</sup> "Saudi Arabia; Events of 2007", World Report 2008, Human Rights Watch 2008, <http://hrw.org/englishwr2k8/docs/2008/01/31/saudia17618.htm>

<sup>395</sup> "Concluding Observations of the Committee on the Elimination of Discrimination against Women: Saudi Arabia", Committee on the Elimination of Discrimination against Women, CEDAW/C/SAU/CO/2, 1 February 2008

<sup>396</sup> "Saudi Arabia Country UNHCR Global Report 2005", United Nations High Commissioner for Refugees, 30 April 2007

<sup>397</sup> Commonly referred to as 'Bidouns', short for Bidoun Jinsiya, or without nationality in Arabic

<sup>398</sup> "Saudi Arabia – 2006 Country Report on Human Practices", US State Department, March 6, 2007

<sup>399</sup> "Chadians Barred from Schools, Hospitals, Saudi-Born Chadians Face Increasing Discrimination under New Policies", Human Rights Watch, September 6 2006, New York, <http://www.hrw.org/english/docs/2006/09/06/saudia14128.htm>

<sup>400</sup> US State Department Report, Op.Cit

<sup>401</sup> Committee on the Rights of the Child: Saudi Arabia", 2006, Op. Cit

<sup>402</sup> Information on the status of CRC ratification and reporting is from the United Nations Office of the High Commissioner for Human Rights website: <http://www.ohchr.org/EN/countries/MENARegion/Pages/SAIndex.aspx>



Saudi Arabia submitted its initial report to the Committee on the Rights of the Child on 15 October 1998 and its second periodic report on 12 November 2003. It is due to submit its combined third and fourth reports on 24 August 2011.

Upon review of the second periodic report of Saudi Arabia, the UN Committee on the Rights of the Child welcomed the adoption of the National Plan of Action for 2005-2015, the drafting of a Bill to protect children from abuse and neglect as well as the country's recent efforts to better promote the rights of the most vulnerable population groups such as children with disabilities<sup>403</sup>

The Committee, however, noted with concern that some of the concerns it had expressed upon review of the initial report had still not been taken into consideration. In particular, Saudi Arabia has still not adopted the recommendations on the withdrawal of general reservation to the CRC. It also has not applied a better alignment between national legislation and principles and articles of the CRC. Moreover, it is not following the recommendation of better promotion of civil rights and freedoms. The Committee also expressed its concern that many laws related to children's rights including personal status, the penal code, civil and penal proceedings laws are yet to be written. It also noted that there were insufficient data, including information on children of non-Saudi workers (migrant workers), children with disabilities, abused and neglected children, children begging on the streets, children within the justice system and children belonging to minorities.

The Committee also proposed the following recommendations:

- Take the necessary legislative measures to set the age of maturity at 18 with no exception for specific cases, including within the juvenile justice system, and for the country to clearly set by law the minimum age for marriage at the same internationally acceptable level for boys and girls.
- Review relevant domestic laws and administrative regulations and eliminate de facto discrimination to ensure full respect for the equality between girls and boys, and ensure enjoyment of rights of children born out of wedlock, children of non-Saudi nationals (migrants) and children on the streets.
- Reform the administration of juvenile justice system in line with international standards, raise the age of criminality, and abolish the imposition of capital, corporal punishment and flogging on persons less than 18 years of age having committed crimes.

### **3. Status of the Right to Protection**

There is a growing awareness by the government of the need to protect children from violence, abuse and exploitation, according to UNICEF.<sup>404</sup> The government reports that seminars and workshops are being held on the subject of child protection and child abuse in order to raise public awareness on this problem.<sup>405</sup> A national committee, consisting of child-welfare organisations, is being established to formulate a comprehensive national strategy for the suppression of all forms of violence. A draft law on domestic violence law is being drafted, and thirteen social protection

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<sup>403</sup> Committee on the Rights of the Child, 2006, Op.Cit

<sup>404</sup> "Draft Programme of Co-operation between the Kingdom of Saudi Arabia and UNICEF Gulf Area Office 2007-2009" UNICEF, 2007

<sup>405</sup> "Saudi Arabia: Second Periodic Reports of States parties due in 2003" Committee on the Rights of the Child, CRC/C/136/Add.1, 21 April 2005

committees had been set up at the county level to receive and investigate complaints of abuse and to take remedial measures, and a child helpline offers legal advice and counselling services.<sup>406</sup>

The law protects children to a certain extent from physical violence in the home, in alternative care settings and in schools. The Ministry of Education prohibits the beating or ill treatment of children at schools. Parents, foster parents or guardians 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'. However, corporal punishment as a disciplinary measure which does not "endanger health or survival" is not penalised. Corporal punishment can also be imposed on persons having committed a crime when under 18 years of age at the discretion of the judge.<sup>407</sup>

There is very little information on the extent and nature of violence, neglect and abuse against children. The Committee on the Rights of the Child has expressed its concerns about the lack of sufficient information about child abuse and ill-treatment, and that reportedly domestic violence is a serious problem.<sup>408</sup> The Committee on the Elimination of Discrimination against Women has also requested that the country give high priority to measures to address all forms of violence against women and girls, and to enact, as soon as possible, legislation on violence against women, including a comprehensive law on domestic violence, to ensure girls who were victims of violence had access to immediate means of redress, and that perpetrators were prosecuted and punished.<sup>409</sup>

A recent Human Rights Watch report documents cases of abuses of **children in conflict with the law**, adding that girls and foreign children face particular discrimination within the juvenile justice system.<sup>410</sup> The report documents the routine arrest of children for such "offences" as begging, running away from home, or being alone with a member of the opposite sex. Prosecutors can hold children, like adults, for up to six months before referring them to a judge. In the case of girls, authorities can detain them indefinitely, without judicial review, for what they say is "guidance."

In addition, there are reports that **trafficking in children** for sexual and other exploitative purposes, such as forced begging, occurs, despite the fact that domestic legislation prohibits the sale and trafficking of children. Officials at Yemen's Ministry of Social Affairs and Labour say child smuggling into Saudi Arabia is still going on, especially in the northern province of Hajja.<sup>411</sup>

The US State Department reports that the government takes minimal measures to prevent trafficking of children: due to a lack of victim identification procedures in deportation centres and police stations, it is believed that many victims of trafficking are deported or arrested rather than provided with sensitive protection services, run by the Ministry of Social Affairs.<sup>412</sup> Human Rights Watch also

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<sup>406</sup> "Summary Record of the 1114<sup>th</sup> Meeting held on 24 January 2006" Consideration of Second Periodic Report of Saudi Arabia, Committee on the Rights of the Child", CRC/C/SR.1114, 30 January 2006

<sup>407</sup> Concluding Observations of the Committee on the Rights of the Child, Op.Cit

<sup>408</sup> Idem

<sup>409</sup> Concluding Observations of the Committee on the Elimination of Discrimination against Women, Op.Cit

<sup>410</sup> "Precarious Justice - Arbitrary Detention and Unfair Trials in a Deficient Criminal Justice System", Human Rights Watch, 25 March 2008

<sup>411</sup> "Moves to Tackle Child Smuggling to Saudi Arabia", IRIN News, 28 January 2008, Sana'a, Yemen, available at <http://crin.org/resources/infoDetail.asp?ID=16263&flag=news>

<sup>412</sup> US State Department, Op.Cit

reports that authorities often treat foreign children who are victims of trafficking primarily as offenders and they can be arrested, detained, or deported.<sup>413</sup>

In its second periodic report, the government stated that the law protects children from **economic exploitation**. The minimum age of employment is 13. The Labour Code promulgated in 1969 provides for the protection of children in articles 160 to 163, which stipulates that ‘Adolescents, minors and women may not be employed in hazardous or harmful work...and that adolescents, minors and women shall not be employed at night during a period between sunset and sunrise lasting for not less than 11 hours, save in the circumstances specified in a decision of the Minister of Labour concerning non-industrial occupations and situations of *force majeure*. In 2002, the country adopted the Safety of Camel-Racing Regulation No. C/966 of 1/11 A.H. 1422, which prevents the use of children under the age of 18 as camel jockeys.

#### **4. Status of the Right to Education**

Article 30 of the constitution states “The State makes education available and adheres to the principle of illiteracy eradication”. 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. The government states that ‘children of all nationalities are treated on the same footing as Saudi children as regards access to educational...services’.<sup>414</sup> Under the Royal Approval No. 7/B/5388 of 15 May 2002, pre-school was made a basic stage of general education.

The Committee on the Elimination of Racial Discrimination noted with approval the increase in the number of schools that have been authorised to offer programmes for the education of children of migrant workers that have been designed in their country of origin.<sup>415</sup> However, the Committee on the Rights of the Child has continued to express its concerns about the situation and vulnerability of migrant workers’ children in Saudi society, noting that those without legal residence do not have access to education.

Education indicators suggest that coverage and quality of education can be improved. Net primary school enrolment rate was 77 per cent for boys and 79 per cent for girls, while net secondary school enrolment rates were 63 and 68 per cent respectively for boys and girls.<sup>416</sup> This indicates high levels of school dropouts and repetitions at all levels. Attendance rate at pre-school levels was only 8 per cent in 1999 and the government is now investing in early education sector.

#### **5. Status of the Right to protection and education under emergencies**

The government has set up the Saudi Fund for Development to support victims of natural disasters, homeless, and refugees in many countries.<sup>417</sup> Saudi Arabia is not party to the 1951 UN Convention

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<sup>413</sup> Human Rights Watch, 2008, Op.Cit

<sup>414</sup> Concluding Observations of the Committee on the Rights of the Child, Op.Cit

<sup>415</sup> “Concluding Observations of the Committee on the Elimination of Racial Discrimination : Saudi Arabia”, Committee on the Elimination of Racial Discrimination, CERD/C/62/CO/8, 21 March 2003

<sup>416</sup> 2000-2006 Data, UNICEF, Op. Cit

<sup>417</sup> “Position Paper for the Economic and Social Council” Delegation of the Kingdom of Saudi Arabia Represented by Represented by Academic Association for Security Studies,

Relating to the Status of Refugees. The Basic Law provides that "the state will grant political asylum, if so required by the public interest". 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. Further information on the status of right to protection and education under emergencies was not found.

## **6. Stakeholder (duty-bearers) analysis – civil society**

**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 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. In 2005 a special administration was set up to protect the rights of foreign workers and penalising employers who abuse them. 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 on the Rights of the Child expressed its concerns that effective coordination had not been fully developed, including between central, regional and local authorities.

**Civil Society:** Freedom of association is severely limited in Saudi Arabia, although there has been some liberalisation since 2003. Reformists and activists form a loose network and are often targeted and imprisoned, and there have been a number of petitions calling for reform and greater popular participation.<sup>418</sup>

There are now over 15 unions and professional associations, as well as over 50 charitable associations and foundation.<sup>419</sup> The National Human Rights Association was established in 2004 and its mandate to receive complaints regarding alleged human rights violations, including domestic violence. Charities and institutions are regulated by the Ministry of Labour and Social Affairs and also offer services to children.<sup>420</sup> Saudi Red Crescent Society is a partner of UNICEF projects to establish a database of information related to CRC, to enhance child participation, and to improve quality of pre-school education.<sup>421</sup> Arab Urban Development Institute, Nayef Arab University for Security Science and AL Bir Charity are implementing partners of UNICEF protection programmes. Further assessment is needed on the scope, impact, and difficulties faced by charitable organisations working on child rights issues.

While acknowledging the growing number of civil society associations for charitable purposes, the Committee of the Rights of the Child 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.

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[http://nmun.sicherheitspolitik.de/uploads/media/ECOSOC\\_Saudi\\_Arabia.pdf](http://nmun.sicherheitspolitik.de/uploads/media/ECOSOC_Saudi_Arabia.pdf)

<sup>418</sup> "Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

<sup>419</sup> For a list of civil society organisations, see Programme on Governance in the Arab region, UNDP website <http://www.pogar.org/countries/more.asp?ADctry=11&ADinst=13>

<sup>420</sup> "Situation Analysis: Saudi Arabia", UNICEF, 2003

<sup>421</sup> UNICEF, 2007, Op Cit

**Table 11: Saudi Arabia, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights*	Ratification		24.02.2008	
Convention on the Rights of the Child	Accession		26.01.1996	25.02.1996
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	No action			
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	No action			
ILO Convention N. 138 on Minimum Age				
ILO Convention N. 182 on Worst Forms of Child Labour				
Convention on the Elimination of All Forms of Racial Discrimination	Accession		22.09.1997	23.10.1997
International Covenant on Economic, Social and Cultural Rights	No action			
International Covenant on Civil and Political	No action			

<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Rights				
Convention on the Elimination of All Forms of Discrimination against Women	Ratification	07.09.2000	07.09.2000	07.10.2000
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Accession		23.09.1997	23.10.1997
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No action			
Convention on the Rights of Persons with Disabilities	No action			
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			
Convention relating to the Status of Refugees	No action			

**Note** \*Information is from Saudi Arabia Embassy in Washington website <http://www.saudiembassy.net/2008News/News/RigDetail.asp?cIndex=7698>

## Chapter 12: Syria

### **1. Context**

#### 1.1 Background

The Syrian Arab Republic is a lower middle-income country with a per capita income of about US\$1,200,<sup>422</sup> and a population of 17.6 million, out of which 8.3 million are under the age of 18.

The country gained its independence from France in 1946. It united briefly, from 1958 to 1961 with Nasser's Egypt. Since 1963, the country has been ruled by the authoritarian Alawite-controlled "pan-Arab" Ba'ath party. In 1967, Syria lost the Golan Heights to the Israelis, while civil war in neighbouring Lebanon allowed it to extend its political and military influence to Lebanon.<sup>423</sup> Following intense international pressure after the assassination of Lebanese former Prime Minister Rafik Hariri, Syria ended its 29-year deployment of forces in Lebanon.

Starting from the late 1980s, and intensifying since 2000, Syria has implemented a number of reforms to liberalise the economy, with both the United Nations and the Government acknowledging the risk that the most vulnerable will be left behind,<sup>424</sup> thereby undermining the considerable progress in social development over the last decade.

In 2000, with the accession to power of Bashar Al Assad, there were expectations that the political environment will improve. However, despite the release of hundreds of political prisoners, major political reforms have not been forthcoming, and the government's human rights record remains poor. The Emergency Laws imposed in 1963 have remained in place, enabling the government to act in many areas in the name of security. In 2007, in addition, there were reports of increased violence between Syrian Kurds and state authorities.<sup>425</sup>

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<sup>422</sup> "Syria: An Overview", World Bank, available at [worldbank.org](http://worldbank.org)

<sup>423</sup> See "Country Profile 'Syria'", BBC News, available at [http://news.bbc.co.uk/2/hi/middle\\_east/country\\_profiles/801669.stm](http://news.bbc.co.uk/2/hi/middle_east/country_profiles/801669.stm)

<sup>424</sup> "About Syria", UNDP available at: [http://www.undp.org.sy/index.php?page=content&id=about\\_syria](http://www.undp.org.sy/index.php?page=content&id=about_syria)

<sup>425</sup> For more information on Syria's human rights record, see "Syria: Events of 2007", World Report 2008, Human Rights Watch

The majority of the population is Arab, while 9.7 per cent are Kurds, Armenians and other minority groups.<sup>426</sup> The government claims that the Syrian legislature protects all children without distinction as to race, origin, religion or nationality, and that it provides access to services to persons of Kurdish origin from countries such as Iraq and Turkey. '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 on the Rights of the Child'.<sup>427</sup> The Committee on the Rights of the Child claims that children of Kurdish parents who are stateless continue to be denied Syrian nationality and are subject to discrimination.<sup>428</sup> The UN Refugee Agency (UNHCR) estimates that there are as many as 300,000 stateless persons in Syria.<sup>429</sup>

Over 450,000 Palestinians were registered with the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), out of which 122,000 live in nine refugee camps.<sup>430</sup> 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. The majority however still face economic difficulties, with 26 per cent of the refugee population living below the poverty line.<sup>431</sup> Since March 2003, nearly 1.5 million Iraqis have taken up refuge in Syria,<sup>432</sup> placing a heavy burden on the country, with the government estimating that the burden, including accommodation of Iraqi children in schools, has cost it US \$1 billion each year.<sup>433</sup>

As a result of the Israeli occupation of the Golan in 1967, 275,000 persons were displaced and forced to relocate to other locations inside Syria.<sup>434</sup> An estimated 22,500 Syrians continue to live in the occupied Syrian Golan, and do not have access to services provided by the Syrian government.<sup>435</sup>

## 1.2 Society and culture in regards to children

The Committee on the Rights of the Child 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.<sup>436</sup>

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<sup>426</sup> UNDP, Op.Cit

<sup>427</sup> "Syrian Arabic Republic Second Periodic Report, Consideration of Reports Submitted by State Parties", Committee on the Rights of the Child, CRC/C/93/Add.2, 18 October 2002

<sup>428</sup> "Concluding Observations: Syrian Arabic Republic, Consideration of Reports Submitted by State Parties Under Article 44", Committee on the Rights of the Child, CRC/C/15/Add.212, 10 July 2003

<sup>429</sup> "Syrian Arabic Republic: 2005 UNHCR Statistical Yearbook", United Nations High Commissioner for Refugees, April 2007 available at <http://www.unhcr.org/statistics/STATISTICS/4641bec80.pdf>

<sup>430</sup> As of December 2007, 'UNRWA in Figures', UNRWA, December 2007

<sup>431</sup> "Situation Analysis: The Rights of the Palestinian Child, Save the Children", Institute of Public Management report commissioned by Save the Children Sweden

<sup>432</sup> Syria has tightened its borders, and the country continues to refuse entry to Palestinians fleeing Iraq, with 1,400 Iraqi Palestinians camped at the Iraqi-Syrian border.

<sup>433</sup> "Iraq Syria: Confusion over Syrian visa requirements for Iraqi refugees", IRIN News, 3 September 2007, <http://www.irinnews.org/Report.aspx?ReportId=74072>

<sup>434</sup> "Syrian Arabic Republic 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", Committee on the Rights of the Child, CRC/C/28/Add.2, 14 February 1996

<sup>435</sup> Second Periodic Report, Op.Cit

<sup>436</sup> Concluding Observations, Op.Cit



## 2. Status of the Rights of the Child<sup>437</sup>

The UN Convention on the Rights of the Child was signed by Syria on 18 September 1990 and entered into force on 14 August 1993. In October 2003, Syria acceded to the Optional Protocols to the CRC on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography.

Upon ratification of the CRC, Syria made reservations to the provisions of Article 14 of the CRC (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'.

Syria submitted its initial report on the status of children's rights and implementation of the CRC on 22 September 1995, and the second periodic report on 15 August 2000. Its third and fourth periodic reports are due on 13 February 2009.

In its review of the second periodic report, the Committee on the Rights of the Child expressed its concern that many of the recommendations made following the review of Syria's initial report had not been sufficiently addressed, for example, prioritisation of children's rights in budgetary allocation and the ill-treatment of children. The Committee indicated that greater efforts need to be made by Syria to ensure the integration of CRC principles: best interest, respect for the views of the child and 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 rural north and north-east in the case of Syria.<sup>438</sup> In addition, the Committee's main recommendations were:

- Withdraw its reservations to Articles 14, 20 and 21 of the CRC.
- Reconcile the interpretation of religious laws with fundamental human rights – currently the application of different laws governing different religious communities (i.e. Muslims, Druze, Christians and Jews) may lead to discrimination in the enjoyment of children's rights.
- Improve data collection, including data on children living in remote areas, victims of abuse, children with disabilities, adolescent health, juvenile offenders, etc.;
- Establish an independent national human rights institution to monitor and evaluate progress of implementation of the CRC.
- Increase budgetary allocation for areas covered by the CRC, especially health and child protection which are currently at low levels.
- Adopt a systematic approach to involving civil society, including children's associations, throughout all stages in the implementation of the CRC.
- Amend legislation to raise the minimum age for girls (currently 17) to that of boys (18), and undertake greater efforts to enforce it particularly in rural areas;

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<sup>437</sup> Information on the status of CRC ratification and reporting is from the United Nations Office of the High Commissioner for Human Rights website: <http://www.ohchr.org/EN/Countries/MENARegion/Pages/SYIndex.aspx>

<sup>438</sup> Concluding Observations, Op.Cit,

- Develop a comprehensive national strategy for the establishment of juvenile justice system in line with the CRC provisions and international standards, and in particular to maintain the minimum age for criminal responsibility at 15.

### 3. Status of the Right to Protection

In recent years, the Syrian government has been increasingly focusing on child protection issues. In 2003, a national conference on child protection was held, and subsequently, the Syrian Commission on Family Affairs, in cooperation with relevant institutions and ministries, had submitted a draft National Plan of Action for the protection of children from violence, neglect and abuse, which was approved by the Council of Ministers in October 2005. Subsequently, 56 million Syrian pounds, or approximately US \$1 million, were allocated for the plan for the year 2006.<sup>439</sup>

Thus far, Syria does not have a comprehensive set of law to promote the survival, development and protection of children. However, there are a number of legislative measures in place to protect children from violence and abuse. The Syrian Penal Code protects minors from **sexual abuse** by prescribing severe penalties for perpetrators, for example, 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 Penal 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.<sup>440</sup>

The Syrian legislature protects children against separation from his or her parents, except where, under the terms of a judicial order, there is evidence that the child is being subjected to ill-treatment or neglect or is at risk of delinquency. Under Article 487 of the Penal Code, "a father or mother who leaves their legitimate or illegitimate child or a child whom they have adopted, in a state of need by refusing to fulfill their obligation to support the child is punishable by law".

While children are protected from 'ill-treatment' **corporal punishment** within the home is lawful if 'within limits': mother, father or custodian that uses corporal punishment that "exceeds the limits that are legitimate for the purposes of administering discipline may lose guardianship of a child".<sup>441</sup> Corporal punishment as a disciplinary measure is also lawful in alternative care settings and at schools. However, the Ministry of Education has issued numerous administrative decisions and orders stipulating that children should not be subjected to physical punishment in schools.<sup>442</sup>

There are severe information gaps on the prevalence of sexual abuse and violence in homes, schools and institutions, and the Committee on the Rights of the Child has recommended Syria to conduct a comprehensive study to assess the nature and extent of ill-treatment and abuse of children. The Committee has also recommended necessary measures are put in place to ensure

<sup>439</sup> "Committee on Rights of Child Examines Report of Syria on Sale of Children, Child Prostitution and Pornography", United Nations Press Release, United Nations, 19 September 2006

<sup>440</sup> "Syrian Arabic Republic, 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", Committee on the Rights of the Child, CRC/C/OPAC/SYR/1, 18 April 2007

<sup>441</sup> Second Periodic Report, Op. Cit

<sup>442</sup> "Summary Record of the 884<sup>th</sup> Meeting, Committee on the Rights of the Child, 33<sup>rd</sup> Session, Consideration of Second Periodic Report of the Syrian Arabic Republic," CRC/C/SR.884, 24 July 2003

that child victims of any of the crimes under the Optional Protocol of the CRC are neither criminalised nor penalised, and that that child victims receive all appropriate assistance, including full social reintegration and physical and psychological recovery. Issues of concern also include the phenomenon of "marriages of pleasure", in which young girls were married off to older men and then left with children to care for and no financial support and the phenomenon of "honour killings".<sup>443</sup>

There are increasing reports of Iraqi girls and women have been forced by their families to engage in prostitution to earn money to enable them to meet their daily needs, and there is concern that **child prostitution and trafficking** of Iraqi children is growing.<sup>444</sup>

In addition to children victims of abuse, UNICEF has identified the following groups as particularly vulnerable: child workers, children of divorced parents, abandoned children, orphans, disabled children, children in conflict with the law, and the girl child.<sup>445</sup>

As for **child labour**, Syria has ratified ILO Convention No. 138 and following the recommendations of the Committee on the Rights of the Child, it increased in 2000 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 7 per cent of children under 14 continue to be employed as workers. Moreover, the current Labour Law does not extend legal protection to children in the informal sector, including agriculture and family owned enterprises, where child work is concentrated.

#### 4. Status of the Right to education

Education is free of charge at all stages and compulsory at the primary stage, for children aged between 6 and 12 years, as stipulated by Article 2 of the Compulsory Education Act. In its 2002 Periodic Report, Syria claimed that approval has been granted to extend the period of compulsory education to 16 full years. The Ministry of Education supplies free school textbooks to all children in compulsory education.<sup>446</sup>

According to UNHCR and Syrian government officials, there are no restrictions preventing Iraqi children from attending schools in Syria.<sup>447</sup> The Syrian government recognises the right of Kurdish children to a primary education. Stateless Kurds face difficulty enrolling in secondary schools.<sup>448</sup> To guarantee access to education to girls and boys with special needs, special schools have been set up for children, and inclusive education programmes are increasingly being adopted by the Ministry of Education.<sup>449</sup>

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<sup>443</sup> UN Press Release, Op.Cit

<sup>444</sup> "Millions in Flight: The Iraqi Refugee Crisis", Amnesty International, September 2007

<sup>445</sup> Syria at a Glance: UNICEF, <http://www.unicef.org/infobycountry/syria.html>

<sup>446</sup> Second Periodic Report, Op. Cit

<sup>447</sup> Amnesty, Op. Cit

<sup>448</sup> "Syria: Follow up on Commitment to Grant Citizenship to Stateless Kurds", Refugees International, 11 October 2005, <http://www.refugeesinternational.org/content/article/detail/7271>

<sup>449</sup> Communication with SCUk Education Team, Jan 2008

While primary school enrolment rates are high – 92 and 97 per cent for girls and boys respectively – the number of children who drop out of school shows a disturbing trend.<sup>450</sup> An estimated 25 per cent of students leave school before finishing their primary level education, while 67 per cent of students do not finish secondary education.<sup>451</sup> 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.<sup>452</sup>

To address the issue of school drop-out, the Ministry of Education has called for a Bill providing for the infliction of higher penalties on any person who infringes the provisions of the Compulsory Education Act. The Committee on the Rights of the Child has also recommended that Syria undertake a process of curriculum and teaching methodology reform, with more emphasis on critical thinking, child-centred teaching methods and human rights education.

### **5. Status of the Right to protection and education under emergencies**

The United Nations is working with the Ministry of Local Administration and Environment to strengthen national capacity in disaster risk management, through an initiative entitled “Comprehensive Disaster Reduction Programme”. There is no information whether the national strategy for disaster risk management is child-centred.<sup>453</sup>

### **6. Stakeholder (duty-bearers) analysis – civil society**

Government Structures: According to article 44, paragraph 1, 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 National Committee for Children is responsible for the protection of child rights, and the Higher Committee for Child Welfare is responsible for policy development and intra-governmental coordination. Further research is needed on the effective coordination between these two government bodies, as well as their capacity to cooperate with civil society organisations.

Civil society organisations (CSO) in Syria include charities, religious organisations, cultural and social associations, development organisations and trade unions. Article 49 of the Constitution governs the establishment of unions, social and professional organisations, and production cooperatives. However, the CSOs are not truly independent, and human rights defenders and activists continue to be at risk of detention and harassment.<sup>454</sup> The Emergency Laws imposed in 1963 have remained in place, enabling the government to act in many areas in the name of security, including cracking down on civil society advocacy groups, such as the Committee for the Defence of

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<sup>450</sup> 2000-2006 Data, UNICEF, Op. Cit

<sup>451</sup> “Education and Human Development: Towards Better Efficiency: National Human Development Report” UNDP, 2005

<sup>452</sup> “Quality Inclusive Education Programme Plan – Findings of National Research”, Internal Document, Save the Children UK Middle East and North Africa Programme, February 2007, Cairo

<sup>453</sup> “Syria Project Factsheet”, Bureau for Crisis Prevention and Recovery Disaster Reduction Unit, United Nations Development Programme, available at [http://www.undp.org/cpr/documents/dru/proj\\_fact/Factsheet\\_SyriaCapacityBuilding\\_final.pdf](http://www.undp.org/cpr/documents/dru/proj_fact/Factsheet_SyriaCapacityBuilding_final.pdf)

<sup>454</sup> “Overview of Civil Society in the Arab World”, Praxis Paper, N 20, Mervat Rishmawi and Tim Morris, International NGO and Training Centre (INTRAC) 2007

Human Rights in Syria, and restricting contacts between Syrian organisations and foreign embassies.<sup>455</sup>

A number of CSOs provide services to children at risk, mainly disabled children, juvenile delinquents and orphaned children. There are 30 orphanages, run by CSOs providing care for 2,578 children, who receive their education at local schools.<sup>456</sup> Leading CSOs focusing on child protection include: the Rainbow for a Better Childhood Foundation, which organised in 2004 a Symposium on Child Protection, in association with the Syrian Arab Association of Psychiatrists and under the auspices of the Syrian Commission for Family Affairs. More thorough scoping exercise is needed to assess scope, impact and effectiveness of the CSOs, targeting their children, as well their knowledge and understanding of child rights programming.

CSOs in Syria have identified the need for an up to date law governing the activities of this sector, as well as enhanced understanding of both the general public and the government regarding the roles and activities of NGOs, and increase in consultative mechanisms between civil society and national government.<sup>457</sup>

Syrian Arab Red Crescent is UNHCR's main implementing partner in the country, in addition to which a number of small local charities have also been working to provide assistance to Iraqi refugees. In May 2008, UNHCR signed a contract with the International Medical Corps (IMC), paving the way for the aid agency to become the first international non-governmental organisation (INGO) to work with Iraqi refugees in Syria.<sup>458</sup> IMC will run three health clinics for refugees in Damascus under the agreement. It is also intended that the Danish Refugee Council and Premier Urgence will start work in Syria in support of UNHCR community services and education programmes.

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<sup>455</sup> For more information, see Programme on Governance in the Arab Region, UNDP, <http://www.undp-pogar.org/countries/civil.asp?cid=19>

<sup>456</sup> UNICEF, Op. Cit

<sup>457</sup> "Strategic Planning and Governance in NGOs in Syria", Workshop Report, Syria; Active Learning Centre and NGOs in Syria, 2004, British Council

<sup>458</sup> "UNHCR signs landmark accord in Syria with international NGO", UNHCR News Stories, UNHCR, 8 May 2008, Syria

**Table 12: Syria, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Ratification		February 2007	
Convention on the Rights of the Child	Ratification	18.09.1990	15.07.1993	14.08.1993
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Accession		17.10.2003	17.11.2003
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Accession		15.05.2003	15.06.2003
ILO Convention N. 138 on Minimum Age	Ratification		18.09.2001	
ILO Convention N. 182 on Worst Forms of Child Labour	Ratification		22.05.2003	
Convention on the Elimination of All Forms of Racial Discrimination	Accession		21.04.1969	21.05.1969
International Covenant on Economic, Social and Cultural Rights	Accession		21.04.1969	03.01.1976
International Covenant on Civil and Political	Accession		21.04.1969	23.03.1976

Rights				
Convention on the Elimination of All Forms of Discrimination against Women	Accession	28.03.2003		27.04.2003
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Accession		19/08/2004	18.09.2004
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Accession		02.06.2005	01.10.2005
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Rights of Persons with Disabilities	Signature Only	30.03.2007		
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			
Convention relating to the Status of Refugees	No action			

## Chapter 13: Tunisia

### **1. Context**

#### **1.1 Background**

Since gaining independence in 1956, Tunisia has registered steady long-term development progress, with real per capita incomes growing from \$700 to \$2,774, and poverty rate declining from 40 per cent to 3.8 during the period 1970-2006.<sup>459</sup> In the mid 80s, the government launched a structural adjustment programme to liberalise prices, reduce tariffs and reorient Tunisia towards a market economy. Tunisia is continuing its economic reforms, supported by the World Bank, the European Union and the African Development Bank.<sup>460</sup> The government states that close to 80 per cent of the national budget is allocated to socio-economic and cultural rights, namely infrastructure, education, health, food and social security.<sup>461</sup> The government does not provide figures on specific budgetary resources allocated to children's issues.

Tunisia, a constitutionally based republic with a presidential system dominated by a single political party, has made important strides in gender equality. As early as 1956, the Personal Status Code introduced measures to promote gender equality in the family, such as abolition of polygamy, the establishment of judicial divorce proceedings, granting both spouses the right to request divorce; and increasing the minimum age for marriage at 17 for girls, and providing that they must consent to the marriage. Legislative reforms promoting children and women's rights continued to be pursued.<sup>462</sup>

The Constitution enshrines the notion of globality, indivisibility and complementarity of human rights. However, 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

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<sup>459</sup> "Country Brief: Tunisia", World Bank, April 2008, available at: [worldbank.org](http://worldbank.org)

<sup>460</sup> For more information, see "African Economic Outlook - Tunisia", OECD and African Development Bank, 2004

<sup>461</sup> "Consolidated Periodic Report of Tunisia, African Charter of Human and People's Rights, 1995-2006", Tunisian Republic, 2006

<sup>462</sup> "The Impact on Women of Changes in Personal Status Law in Tunisia", Susan Watts, World Health Organization, Regional Office for the Eastern Mediterranean, Cairo, Egypt, June 2007



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.<sup>463</sup>

The country has a population of approximately 10 million, out of which 3.2 million are under the age of 18, and 823,000 under the age of five.<sup>464</sup> There are over 20,000 disabled children aged 0 – 19 years in Tunisia.<sup>465</sup> In 2005, 922 babies deprived of parental care were referred to governmental and non-governmental care institutions, while 7,770 were cared for by child care institutions.<sup>466</sup> In 1998, there were 7,574 reported cases of juvenile crime, representing 5.85 per cent of all criminal cases.<sup>467</sup>

### 1.2 Society and culture in regards to children

The International Bureau on Children's Rights 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'.<sup>468</sup>

## 2. **Status of the Rights of the Child**<sup>469</sup>

The United Nations Convention on the Rights of the Child (CRC) was signed by Tunisia signed on 26 February 1990, and entered into force on 29 February 1992. Tunisia also acceded to the Optional Protocol of the CRC on the involvement of children in armed conflict by Act No. 2002-42 of 7 May 2002. Upon ratification of the CRC, Tunisia made reservations and declarations on articles 2, 6, 7 and 40. On 1 March 2002, the Government of Tunisia informed the UN Secretary General that it had decided to withdraw its reservation with regard to article 40, paragraph (b) (v) and its interpretative declaration.

Tunisia submitted its initial report on the CRC on 16 May 1994 and its second periodic report on 16 March 1999. The third periodic report was due to 28 February 2004. Upon review of the second periodic report by Tunisia in 2002, the Committee on the Rights of the Child acknowledged that the country has made strides in aligning the national legislation to the provisions and principles of the CRC.<sup>470</sup> The Committee welcomed in particular the adoption of the Child Protection Code by Tunisia in 1995, which explicitly refers to the best interest of the child and to the respect of the views of the child. However, the Committee observed with concern that the principle of non-discrimination does not figure prominently in national legislation, and that there were limitations to freedom of expression and civil rights. The Committee reiterated its recommendations (made during the review of the initial report) to Tunisia to withdraw its remaining declarations and reservations on the CRC, and made

<sup>463</sup> "World Report 2008, Tunisia' Events of 2007, Human Rights Watch, [hrw.org/englishwr2k8/docs/2008/01/31/tunisi17621.htm](http://hrw.org/englishwr2k8/docs/2008/01/31/tunisi17621.htm)

<sup>464</sup> "UNICEF – Tunisia, Statistics", UNICEF, [http://www.unicef.org/infobycountry/Tunisia\\_statistics.html](http://www.unicef.org/infobycountry/Tunisia_statistics.html)

<sup>465</sup> Summary Record of the 789<sup>th</sup> Meeting, Consideration of Periodic Report of Tunisia", Committee on the Rights of the Child, CRC/C/SR789, 5 June 2002

<sup>466</sup> "Tunisia - Revised Country Programme Document", UNICEF, Executive Board, 16-19 and 22 January 2007

<sup>467</sup> "Worst Forms of Child Labour", Global March against Labour, available at <http://www.globalmarch.org/worstformsreport/world/tunisia.html>

<sup>468</sup> "Making Children's Rights Work in North Africa: Country Profiles on Algeria, Egypt, Libya, Morocco and Tunisia", International Bureau for Children's Rights, August 2007, Canada

<sup>469</sup> Information on CRC ratification and reporting status are from UN Office of the High Commissioner for Human Rights website, available at <http://www.ohchr.org/EN/countries/MENARegion/Pages/TNIndex.aspx>

<sup>470</sup> "Concluding Observations of the Committee on the Rights of the Child on the Second Periodic Report of Tunisia", Committee on the Rights of the Child, CRC/C/15/Add.181, 13 June 2002

specific recommendations, including eliminating the discrepancy between the age of marriage for girls and boys.

Tunisia became a member of the African Charter on Human and Peoples' Rights in accordance with the Law n° 82-64 of the 6th August 1982.

### **3. Status of the Right to Protection**

In November 1995, the country adopted the Child Protection Code (Law n. 95-92) with the objective of guaranteeing right to survival, development and protection of the child. The Code relates to the protection of a child in danger, defining in particular the following difficult situations: (a) Loss of the child's 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 the child to begging and economic exploitation of the child.<sup>471</sup>

The Code, which entered into force on 11 January 2006, shields children from violence, neglect and abuse through the establishment of child protection mechanisms, namely, through the establishment of a body of "delegates for childhood protection" that is able to intervene on behalf of children in difficult situations, which may threaten security and development of the children. The delegates have investigative powers and are available to receive any type of complaints from or involving children. In addition, child rights associations have been created to act on behalf of schoolchildren who wish to lodge a complaint. 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. The promulgation of the Child Protection Code was accompanied by amendments to the Penal Code, to penalise the abandonment of child or disabled person unable to protect him/herself, and through adoption of Act of 28 October 1998 relating to the granting of a family name to children of unknown parentage or abandoned children.

There is no reliable data regarding prevalence of abuse, especially sexual abuse. In a few years, the Child Protection Delegates had already received some 10,000 complaints; more than 6,500 cases of violations of children's rights were reported to the authorities in 2004.<sup>472</sup> However, with only one Delegate in each governorate their number is considered insufficient. Further these Delegates are not sufficiently independent, a matter that received comment and recommendations from the Committee on the Rights of the Child in 2002. In addition, there are a number of legislative gaps, including: perpetrators of sexual abuse cannot be prosecuted if they married the victim, physical discipline is only considered as corporal punishment – banned since 1997 through a Ministerial Circular - when it is prejudicial to the health of a child, the ban on corporal punishment does not apply to children in alternative care settings.<sup>473</sup>

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<sup>471</sup> "Periodic Report of State Parties due in 1999: Tunisia, Committee on the Rights of the Child", CRC/C/83/Add.1, 30 October 2001

<sup>472</sup> "Making Children's Rights Work in North Africa", International Bureau for Children's Rights, August 2007

<sup>473</sup> "Briefing for the Human Rights Council, Universal Periodic Review, 1<sup>st</sup> Session, 2007", Peter Newell, Global Initiative to End All Corporal Punishment of Children

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. The Government of Tunisia does not systematically differentiate trafficking victims from illegal migrants travelling through the country. Tunisia may also be a source country for internal trafficking of children for commercial sexual exploitation.<sup>474</sup>

Tunisia has ratified the International Labour Organisation 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.’<sup>475</sup> In 2000, UNICEF estimated that 2.1 percent of children from age 5 to 15 years were working in Tunisia. Children, mainly boys, work in rural agriculture and as vendors in urban areas, generally during school vacations.<sup>476</sup>

#### **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.”<sup>477</sup> 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. 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. 20 per cent of the state budget is allocated to education and training.”<sup>478</sup> 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.<sup>479</sup>

Education indicators are high for boys and girls – the country has the highest level of primary school enrolment in the Middle East and North Africa (97 per cent for boys and girls). However, secondary school net enrolment rates are 68 per cent for girls and 62 for boys.<sup>480</sup>

The quality of education remains problematic, with high number of students who drop out or repeat in later (higher) grades. Recognising this challenge, the country has implemented, with support of organisations such as UNICEF and World Bank, programmes to improve the quality of education. The repetition rate has fallen from 25 to 8 per cent.<sup>481</sup> In addition, the concluding observations of the Committee regarding education were: concerns over regional disparities in education as well as at the disparity in the illiteracy rate between urban and rural areas as well as gender disparities, low enrolment in early childhood education and the decrease of public early childhood education centres which may result in discrimination on the basis of income level.

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<sup>474</sup> “Human Trafficking & Modern-day Slavery, Republic of Tunisia”, U.S. State Dept Trafficking in Persons Report, June, 2007

<sup>475</sup> Consolidated Periodic Report of Tunisia, Op.Cit

<sup>476</sup> See Government of Tunisia, “Multiple Indicator Cluster Survey (MICS) Report:” available at <http://www.childinfo.org/MICS2/newreports/tunisia/tunisia.pdf>

<sup>477</sup> Consolidated Periodic Report of Tunisia, Op.Cit

<sup>478</sup> “Statement by Tunisia on the Special Session on Children”, Government of Tunisia New York, May 8-10, 2002

<sup>479</sup> “Regional Scoping Exercise”, A. Hauzar, E. Eidarous and A. Al Kassir, Save the Children UK, March 2007

<sup>480</sup> 2000-2006 Data, UNICEF, Op. Cit

<sup>481</sup> “Tunisia: A School System Striving For Its Own Graduation”, World Bank, November 2003

In recent years, there has been some progress in addressing the concerns of the Committee over the limited number of children with disabilities accessing appropriate education, despite extensive legislation regarding children with disabilities and their right to education. UNICEF reports that a policy of inclusive education is now in place.<sup>482</sup>

#### **5. Status of the Right to protection and education 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.<sup>483</sup>

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 UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations 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.<sup>484</sup> No further information was found on the status of the right to protection and education under emergencies.

#### **6. Stakeholder (duty-bearers) analysis – civil society**

Government Structures: The Ministry for Women, Family, Children and Elders is responsible for children's affairs, for facilitating inter-ministerial collaboration, and for monitoring, evaluation and coordinating the implementation of the CRC and the National Plan of Action. The Ministry has an Observatory for Information, Training, Documentation and Study for the Protection of Children's Rights with a key role in coordinating, monitoring and reporting on the situation of children in Tunisia. The Higher Council for Childhood, chaired by the Prime Minister and includes all ministries and several NGOs, meets every three months to review progress in the situation of children in the country.<sup>485</sup> Its actions have led to initiatives for children's participation, including the Children's Parliament. Further research is needed to assess these government bodies' effectiveness in ensuring coordination of the child-related activities, and to assess the real impact of Children's Parliament.

The National Council for Children has organised regional and thematic consultations to prepare the 2002-2011 National Plan of Action.<sup>486</sup> Further information is needed to assess the extent to which civil society organisations, especially child-led organisations, were able to effectively participate in and influence the consultation process.

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<sup>482</sup> UNICEF, Op.Cit

<sup>483</sup> For more information see International Strategy for Disaster Reduction, <http://www.unisdr.org/eng/country-inform/tunisia-disaster.htm>

<sup>484</sup> Tunisia – 2005 Country Reports on Human Rights Practices”, US State Department, March 8, 2006

<sup>485</sup> International Bureau for Children's Rights, Op. Cit

<sup>486</sup> Save the Children UK, Op Cit

The National Plan of Action has not yet been translated into an operational format and has not detailed budget breakdown.<sup>487</sup> The country needs to reinforce its efforts to allocate sufficient resources for programmes and policies targeting children.

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. However, the extent to which they can act 'independently and effectively, and whether they were likely to have greater freedom in responding to children's needs' has been questioned by members of the Committee on the Rights of the Child.<sup>488</sup> The International Bureau for Children's Rights reports that the 'role and profile of national and international NGOs remain low in Tunisia. Although local NGOs are asked to contribute to the work of the various committees and programmes, their activities are constrained by the State within quite rigid parameters'.

By law, NGOs are prohibited from engaging in political activity, must be registered with the Ministry of Interior, and need prior authorisation from the Ministry before holding a public meeting.<sup>489</sup> Human rights organisations and defenders are often subject to repeated harassment and detention.

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<sup>487</sup> International Bureau for Children's Rights, Op.Cit

<sup>488</sup> Summary Record, 2002, Op Cit

<sup>489</sup> "Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

**Table 13: Tunisia, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Not ratified			
African Charter on Human and People's Rights	Ratification	----	16.03.1983	
Protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and People's rights	Ratification	09.06.1998	21.08.2007	
African Charter on the Rights and Welfare of the Child	Signature Only	16.06.1995		
African Youth Charter	Signature Only	31.03.2008		
Convention on the Rights of the Child	Ratification	26.02.1990	30.01.1992	29.02.1992
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Ratification	22.04.2002	02.01.2003	02.02.2003
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	Ratification	22.04.2002	13.09.2002	13.10.2002
ILO Convention N. 138 on	Ratification		19.10.1995	

Minimum Age				
ILO Convention N. 182 on Worst Forms of Child Labour	Ratification		28.02.2000	
Convention on the Elimination of All Forms of Racial Discrimination	Ratification	12.04.1966	13.01.1967	04.01.1969
International Covenant on Economic, Social and Cultural Rights	Ratification	30.04.1968	18.03.1969	03.01.1976
International Covenant on Civil and Political Rights	Ratification	30.04.1968	18.03.1969	23.03.1976
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Elimination of All Forms of Discrimination against Women	Ratification	24.07.1980	20.09.1985	20.10.1985
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Ratification	26.08.1987	23.09.1988	23.10.1988
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No action			
Convention on the Rights of Persons with Disabilities	Ratification	30.03.2007	02.04.2008	03.05.2008
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	Accession		24.01.1968	
Convention relating to the Status of Refugees	Succession		24.10.1957	

## Chapter 14: United Arab Emirates

### **1. Context**

#### 1.1 Background

The United Arab Emirates (UAE) is a federation of seven semi-autonomous emirates.<sup>490</sup> The president and vice-president are elected by the Federal Supreme Council, which is composed of the rulers of each emirate.

In 2006, total population stood at 4.1 million, out of which only 21.9 per cent are Emiratis.<sup>491</sup> It is estimated that more than 50 per cent of foreign workers are from the Indian subcontinent. 976,000 are under the age of 18, and 315,000 under 5.<sup>492</sup>

The UAE is a "high development" country, ranking 39 out of 177 countries with Human Development Index data.<sup>493</sup> Substantial oil revenues, massive construction boom and a thriving financial and services sector are fuelling rapid economic growth and social development, especially in Dubai. To sustain and enhance socio-economic development, the country faces numerous challenges, including rising unemployment rates combined with the growing number of nationals ready to enter the labour market. UNICEF states that further structural reforms and sustained financial stability are necessary for the country.<sup>494</sup>

While the economy of the UAE demonstrates impressive growth, 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.<sup>495</sup> Human Rights Watch reports that freedom of expression

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<sup>490</sup> Abu Dhabi, Ajman, Dubai, Fujairah, Ras al-Khaimah, Sharjah, and Umm al-Qaiwain

<sup>491</sup> "UAE population touches 4.104,695", UAE Interact, 31 July 2006, UAE

<sup>492</sup> "At a glance: United Arab Emirates", UNICEF, [http://www.unicef.org/infobycountry/uae\\_statistics.html](http://www.unicef.org/infobycountry/uae_statistics.html)

<sup>493</sup> "United Arab Emirates Factsheet, Human Development Report, 2007/08", United Nations Development Programme, [http://hdrstats.undp.org/countries/data\\_sheets/cty\\_ds\\_ARE.html](http://hdrstats.undp.org/countries/data_sheets/cty_ds_ARE.html)

<sup>494</sup> "At a Glance –UAE", UNICEF, <http://www.unicef.org/infobycountry/uae.html>

<sup>495</sup> "United Arab Emirates (UAE): Events of 2007", 2008 World Report, Human Rights Watch, 2008



and association is severely limited, with the government actively discouraging the establishment of independent non-governmental organisations, and that migrant workers, comprising nearly 90 percent of the workforce in the private sector, are particularly vulnerable to serious human rights violations.<sup>496</sup> The government has not signed most of the international human rights conventions, including the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

An estimated 50 per cent of migrant workers are from the Indian subcontinent. In addition, there is a small segment of the non-citizen population that is stateless<sup>497</sup>. Many stateless residents are Bedouins, or from Iran and South Asia whose families settled generations ago. Exact numbers of the stateless persons are not known, but they have been unofficially estimated at between 20,000 to 100,000 persons.<sup>498</sup> While these individuals are not subject to deportation by the authorities, they do face discrimination in the labour market and, as a result, encounter socio-economic challenges. In general, non-citizens do not receive access to free or reduced cost services provided by government in areas such as health care, education and housing, and some encounter discrimination in employment.<sup>499</sup>

### 1.2 Society and culture in regards to children

The Committee on the Rights of the Child has expressed its concerns that traditional attitudes towards children in society may limit the respect for their views, especially within the family and in schools. In particular, it is concerned that children are not adequately informed about how to have input into policies that affect them, nor about how their views will be taken into consideration once they have been solicited.<sup>500</sup>

Article 25 of the constitution provides for equality before the law without regard to race, nationality, or social status; however, there was institutional and cultural **discrimination** based on sex and nationality. For example, all male citizens can pass citizenship to their children at birth, whereas female citizens married to non-citizens do not automatically pass citizenship to their children. Custom dictates that a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country. There is also widespread discrimination towards **children born out of wedlock**. The government may imprison and deport non-citizen women if they bear children out of wedlock. In the event that a court sentences a woman to prison for such an offence, local authorities, at the request of the prisoner, may hold the newborn children in a special area within the prison or place them with a relative.

## **2. Status of the Rights of the Child<sup>501</sup>**

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<sup>496</sup> "World Report 2008", Human Rights Watch, available at <http://hrw.org/englishwr2k8/docs/2008/01/31/uae17622.htm>

<sup>497</sup> Often referred to as 'Bidoun' (short for Bidoun Jinsaya without nationality in Arabic)

<sup>498</sup> The 20,000 estimate is from "2006 United Arab Emirates - Country Reports on Human Rights Practices", US State Department, 6 March 2007, the 100,000 estimate is from "Refugee Voices: Stateless Bidoun", Refugees International, 2 July 2005, <http://www.refugeesinternational.org/content/article/detail/5076>

<sup>499</sup> US State Department, Op. Cit

<sup>500</sup> "Concluding observations of the Committee on the Rights of the Child - United Arab Emirates", Committee on the Rights of the Child, CRC/C/15/Add.183, 13 June 2002

<sup>501</sup> Information on CRC Ratification and Reporting status is from UN Office of the High Commissioner for Human Rights website: <http://www.ohchr.org/EN/countries/MENARRegion/Pages/AEIndex.aspx>

The UAE acceded to the UN Convention on the Rights of the Child on 2 February 1997 and expressed its reservations on Articles 7, 14, 17 and 21. The country has expressed its intentions to withdraw reservations to two of its five reservations on articles of the CRC<sup>502</sup>. It submitted its Initial Report to the Committee on the Rights of the Child on 15 April 2000. It has yet to submit its Second Periodic Report, which was due on 7 March 2004. The UAE has not signed the Optional Protocols to the CRC on the Sale of Children, Child Prostitution and Pornography and on the Involvement of Children in Armed Conflict.

Upon review of the Initial Report in 2002<sup>503</sup>, the Committee on the Rights of the Child 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. However, it expressed its concern that the principles and provisions of the CRC, such as non-discrimination and best interests of the child, are still not adequately reflected in the domestic law. It also recommended the UAE to withdraw its reservations and interpretative declarations to the CRC, 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 CRC.

### 3. Status of the Right to Protection

The government is committed to children's rights and welfare and 'spares no efforts to provide every protection to children's rights as per international conventions to provide better life to them....the UAE has drafted legislations aimed at putting an end to all forms of exploitation and abuse of children', according to the Acting Charge d' Affaires of the UAE permanent Mission at the UN.<sup>504</sup>

A number of legislative measures have been enacted to ensure protection of children from **violence and abuse**. 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.<sup>505</sup> In 2006, Law Number 3 was adopted to ensure 'the care of destitute children', including children repeatedly subjected to violence by one or both parents.<sup>506</sup> However, **corporal punishment** is lawful in the home and there is no explicit prohibition of corporal punishment in alternative care settings.<sup>507</sup> In addition, corporal punishment is lawful as a sentence for crime, and there have been accounts of minors being punished by flogging for example.

UAE reports that there have been no reported cases of children being subjected to physical or mental abuse, neglect, or violence by one or both parents.<sup>508</sup> There is very little information on the

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<sup>502</sup> "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", UN Press Release, CRC 30th session, 31 May 2002

<sup>503</sup> Concluding observations of the Committee on the Rights of the Child, Op Cit

<sup>504</sup> "UAE spares no effort to respect, protect children's rights", UAE Interact, 10 September 2006, [http://uaeinteract.com/docs/UAE\\_spares\\_no\\_effort\\_to\\_respect,\\_protect\\_childrens\\_rights/22034.htm](http://uaeinteract.com/docs/UAE_spares_no_effort_to_respect,_protect_childrens_rights/22034.htm)

<sup>505</sup> "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", Committee on the Rights of the Child, 2002

<sup>506</sup> "Sultan Issues Law on the Care of Destitute Children", UAE Interact, 18 July 2006,

[http://uaeinteract.com/docs/Sultan\\_issues\\_law\\_on\\_the\\_care\\_of\\_destitute\\_children/21487.htm](http://uaeinteract.com/docs/Sultan_issues_law_on_the_care_of_destitute_children/21487.htm)

<sup>507</sup> "Lawfulness of Corporal Punishment: United Arab Emirates", End Corporal Punishment, February 2008,

<http://www.endcorporalpunishment.org/pages/progress/reports/uae.html>

<sup>508</sup> Written Replies, Op.Cit

prevalence of abuse and violence against children, and the Committee on the Rights of the Child has recommended UAE to conduct a study to assess the nature and extent of ill treatment and abuse of children.

The law also protects children from **economic exploitation**. The labour law prohibits employment of persons under the age of 15 and has special provisions for employing those 15 to 18 years of age. The Ministry of Labour and Social Affairs is responsible for enforcing the regulations. The government does not issue work permits for foreign workers under the age of 18 years.

The law does not specifically prohibit **trafficking** in persons, although child smuggling, forced prostitution, kidnapping, fornication, and pornography are regarded as crimes. In practice, trafficking in women and girls used as prostitutes and domestic servants continues to be a serious problem. However, the government has made steady progress in combating the problem of trafficking in regard to women in the sex trade and children in the camel racing industry. The government made significant progress toward eliminating the practice of trafficking in young foreign boys as camel jockeys, which until 2005 had been a serious problem for many years. On July 5 2005, President Khalifa promulgated a federal law that prohibits persons below age 18 from participating in camel races and subjects violators to imprisonment and financial penalties.

In May 2005, the government agreed to provide \$2.7 million to UNICEF to support children removed from camel racing for two years, with the bulk of resources going towards their care, education, treatment and reintegration into families and communities back in their home countries. One year later, 1,073 children had been repatriated to their countries of origin, there are no more children in the shelters in the United Arab Emirates and the majority has been reunited with their families. The project duration has been extended for two more years ending May 2009 and increasing the allotted amount with US\$9 million dollars; to enable the implementation of the second phase.

#### **4. Status of the Right to education**

The Constitution states that education is compulsory at the primary level and free of charge at all levels. The government states that all children at (pre-university) school age, regardless of their nationality, gender or religion, are entitled to enroll at government schools. Education is free of charge and the schools provide the requisite books and stationery at nominal prices. The official age for enrolment at primary schools is 5 to 6 years and the primary stage of education lasts for six years.<sup>509</sup>

In the academic year 1997/98, the State's budgetary expenditure on education amounted to \$ 1.22 billion.<sup>510</sup> The UAE encourages early education through the expansion of its preschool system. The UAE also made considerable efforts to enhance the integration of disabled children in the educational system as well as in society.<sup>511</sup>

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<sup>509</sup> "Initial reports of States parties due in 1999 – United Arab Emirates", CRC/C/78/Add.2, 24 October 2001

<sup>510</sup> Written Replies, Op.Cit

<sup>511</sup> "Draft Programme of Co-operation between The Government of the United Arab Emirates and UNICEF 2007 – 2009", UNICEF, 2007 [http://www.unicef.org/gao/CPAP\\_UAE.pdf](http://www.unicef.org/gao/CPAP_UAE.pdf)

Compulsory education is not enforced, and some children do not attend school. Despite extensive government spending, school enrolments are still low. Net primary school enrolment rates reach 71 per cent for boys and 70 per cent for girls, while net secondary school enrolment rates are 56 per cent for boys and 59 per cent for girls.<sup>512</sup> In addition, the UN Committee on the Rights of the Child has expressed concern about the focus on learning by rote education rather than on developing analytical skills, and about the absence of awareness on human rights from the educational curricula.

Non-citizen resident children are not permitted to enroll in free of charge public schools unless they live in rural areas that lacked private schools. Many foreign workers in private sector employment receive education allowances as part of their salary packages. For those who do not receive the extra salary benefit, the government provided an annual subsidy of approximately \$1,600 per family to its non-citizen employees for private school tuition.<sup>513</sup> The Committee on the Rights of the Child has expressed its concerns at the disparities in the enjoyment of economic and social rights, particularly to health and education, experienced by non-national children.

#### **5. Status of the Right to protection and education under emergencies**

The law does not provide 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, and the government has not established a system for providing protection to refugees. The government did not provide protection against *refoulement*, the return of persons to a country where there is reason to believe they feared persecution. The government does cooperate with the UN Relief Agency (UNHCR) on a humanitarian basis. Refugees generally were required to petition for settlement in third countries. In the past the government detained some persons seeking refugee status, particularly non-Arabs, while they awaited resettlement in third countries.<sup>514</sup> No further information has been found on the status of the right of children to protection and education under emergencies.

#### **6. Stakeholder (duty-bearers) analysis – civil society**

Civil Society: The majority of the civil society organisations in the UAE are private associations, which are charitable, social, or educational in their purposes. Local authorities must license all private associations, while all NGOs must be registered with the Ministry of Labour and Social Affairs. There are approximately 100 domestic NGOs at present, but many of the unregistered NGOs also operate openly without government interference.<sup>515</sup> The Emirate of Sharjah has also encouraged the creation of Children's Parliament. Registered NGOs are largely government subsidised. There are very few rights-based and independent organisations. The Jurists' Association Human Rights Committee, which focuses on human rights education, for example, is government-subsidised and conducts seminars and symposia subject to government approval.<sup>516</sup> Further research is needed on government bodies responsible for child welfare and protection and their effective coordination with civil society organisations.

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<sup>512</sup>2000-2006 Data, UNICEF website Op.Cit

<sup>513</sup> US State Department, Op.Cit

<sup>514</sup> This section is extracted from US State Department Report, Op. Cit

<sup>515</sup> "Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

<sup>516</sup> US State Department, Op. Cit

**Table 14: United Arab Emirates, Regional and International Instruments**

Treaty	Status	Signature date	Ratification/ Date of receipt of instrument	Date of entry into force
Arab Charter on Human Rights	Ratification		15.01.2008	
Convention on the Rights of the Child	Accession		03.01.1997	02.02.1997
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	No action			
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	No action			
ILO Convention N. 138 on Minimum Age	Ratification		02.10.1998	
ILO Convention N. 182 on Worst Forms of Child Labour	Ratification		28.06.2001	
Convention on the Elimination of All Forms of Racial Discrimination	Accession		20.06.1974	20.07.1974
International Covenant on Economic, Social and Cultural Rights	No action			
International Covenant on Civil and Political Rights	No action			

Convention on the Elimination of All Forms of Discrimination against Women	Accession		06.10.2004	05.10.2004
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	No action			
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No action			
<b>Treaty</b>	<b>Status</b>	<b>Signature date</b>	<b>Ratification/ Date of receipt of instrument</b>	<b>Date of entry into force</b>
Convention on the Rights of Persons with Disabilities	Signature Only	08.02.2008		
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			
Convention relating to the Status of Refugees	No action			

**Section II: Child Rights Situation Analysis at Regional Level**

## Part 1: Regional Actors Analysis

### 1. Regional Actors

#### 1.1 The League of Arab States

The League of Arab States (LAS), often referred to as the Arab League, was founded in Cairo in 1945.<sup>517</sup> It has 22 members, with a total population of approximately 300 million, and aims to strengthen ties among member states, coordinate their policies, and direct them towards the common good.<sup>518</sup>

Since the 1980s, the LAS has implemented a number of initiatives to promote child welfare and protection. The ***Arab Charter on Children's Rights*** of 1983 calls upon member states to confirm and guarantee the right of the child to have state protection from abuse and exploitation both physically and psychologically even if it were from members of his family.<sup>519</sup> In 1986, the LAS, with support from the Arab Gulf Fund for United Nations Development Organisations (AGFUND) held a Conference on Childhood and Development in Tunis. The Conference emphasised the need for an Arab Council to address children's issues in the region and recommended national governments to set up national commissions on child rights.<sup>520</sup>

Following the World Summit for Children in 1990, the LAS convened in 1992 in Tunis the first Arab High Level Conference on Children. The outcome of the Summit was the "Arab Plan for Child Survival, Protection and Development", which called for further major improvements in the situation of children over the coming decade. The Plan, which was reaffirmed at the March 1995 meeting of Arab Health ministers in Cairo, set targets for the World Summit goals, called for effective monitoring

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<sup>517</sup> For more information on the Arab League, see its website <http://www.arableagueonline.org/las/index.jsp>.

<sup>518</sup> "Profile: Arab League", BBC News, [http://news.bbc.co.uk/2/hi/middle\\_east/country\\_profiles/1550797.stm](http://news.bbc.co.uk/2/hi/middle_east/country_profiles/1550797.stm)

<sup>519</sup> This Charter becomes effective once it is ratified by the Council of Arab Ministers of Social Affairs. Further information on its ratification status is needed.

<sup>520</sup> "Analytical Study on Higher Council's for Children and National Committees on Childhood", Mohammed Abdo Asugheir, Administration for Family and Childhood, League of Arab States, April 2007 (unofficial translation)



systems in every Arab state and established a permanent committee for follow-up to the implementation.<sup>521</sup>

On 28 March 2001, at the Thirteenth Arab Summit, the Council of the LAS adopted the Resolution “Arab Framework on the Rights of the Child”.<sup>522</sup> The framework incorporates many of the principles enshrined in the UN Convention on the Rights of the Child (CRC), namely non-discrimination, best interests of the child, and affirms the right of the child to life, to development, protection and participation. The resolution called upon member states to review legislation relating to children and to draw up a special law concerning children based on the “Comprehensive Standard Legislative Manual on the Rights of the Arab Child” published by the League of Arab States.

On 1-4 July 2001, the LAS organised the Second Arab High Level Conference on the Rights of the Children in the Arab World, in preparation for the May 2002 UN General Assembly Special Session on Children. The meeting, which brought together ministerial delegations as well as experts and representatives from civil society groups including youth groups, concluded with the adoption of a declaration and framework for action on the rights of children for the period 2001-2010, called “An Arab World Fit for Children: Mechanisms for Joint Arab Action and an Arab Common Position”.<sup>523</sup> The main recommendations of the Conference included: making child issues a standard item on all future Arab Summit agendas, establishing follow-up mechanisms to better promote child programmes, calling for international protection of Palestinian child rights and for the protection of children suffering from the effects of sanctions in Iraq, Libya, and Sudan.<sup>524</sup>

A “Draft Arab Plan of Action for Children 2004-2014” was developed and refined at the Consultative Technical Committee for Arab Children meeting<sup>525</sup> which was held in Bahrain 2003, and was adopted by the LAS on 12-14 January 2004, at the third Arab High Level Conference on the Rights of the Child in Tunisia.<sup>526</sup> The Plan committed member states to design national plans of action that allocate resources to realising minimum standards for the children in the region, and for achieving the Millennium Development Goals. The Draft Plan focuses on seven components: health, education, protection, media, culture, sports and young people, and incorporates the following general principles: greater youth participation, intensification of the awareness of children’s rights at all levels, and developing partnerships between government structures and civil society institutions in formulating and implementing national action plans for children.

The 2004-2014 Plan of the Arab League also proposes establishing an Arab observatory within the League of Arab States, to be headquartered in one of the European capitals or in one of the cities of

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<sup>521</sup> “Progress at Mid-Decade on Implementation of General Assembly resolution 45/217 on the World Summit for Children, Report of the Secretary-General”, United Nations General Assembly, 26 July 1996

<sup>522</sup> Resolution No. 216 is available at <http://www0.un.org/documents/ga/docs/55/a55942.pdf>

<sup>523</sup> The draft plan of action emerged the Regional Symposium on Children held in Beirut, Lebanon, in April 2001, organised by the Economic and Social Council for Western Asia (ESCWA), the League of Arab States and UNICEF. “United Nations Special Session on Children, 8-10 May 2002 – Background information”, UNICEF, <http://www.unicef.org/specialsession/prep-process/>

<sup>524</sup> “Arab High Level Conference on the Rights of the Child Concludes in Cairo”, UNICEF, 5 July 2001, Cairo

<sup>525</sup> “Draft Arab Action Plan on Childhood (Ten-Year Plan)”, League of Arab States, August 2003, available at: [http://www.unicef.org/tn/medias/hlm/arab\\_action\\_plan\\_on\\_childhood\\_en.pdf](http://www.unicef.org/tn/medias/hlm/arab_action_plan_on_childhood_en.pdf)

<sup>526</sup> The Jordanian National Plan of Action for Children (2004-2013), Executive Summary, UNICEF, available at [http://www.unicef.org/jordan/resources\\_458.html](http://www.unicef.org/jordan/resources_458.html)

the United States, as well as an Arab Childhood Information Centre and appointing a “General Commissioner for the Rights of Arab Children” at the level of the LAS.<sup>527</sup>

The Arab League has also been engaged in promoting the needs of children of specific groups of children. It is playing an increasingly important role in the regional follow up mechanism to the UN Study on Violence against Children.<sup>528</sup> In partnership with the Arab Organisation of Disabled People, the LAS organised in 2002, the Arab Conference on Disability, one of the main results which was the launch by the LAS Ministers of Social Affairs of the Decade for People with Disabilities 2004-2013.<sup>529</sup> The ten main objectives identified for the Decade are: education, health, legislation, rehabilitation and employment, the disabled woman, the disabled child, accessibility and transport, globalisation, poverty and disability, information and awareness, recreation and sports.

More recently, in April 2008, the Arab League organised, with SOS-Kinderdorf International and the Arab Council for Childhood and Development, a workshop to initiate the elaboration of Arab Guidelines for Children without Parental Care, based on UN Guidelines. The Arab Guidelines are expected to be launched during a high-level conference planned for December 2008.<sup>530</sup>

The main bodies within the Arab League responsible for child rights related programme are the Childhood Division at the Administration of Family, Women and Childhood, and the Advisory Technical Committee for Arab Childhood and its Technical Secretariat. The Committee is responsible for proposing Arab policies, plans and programmes in compliance with regional and international charters, following up on Member States, issuing a report every two years on the status of Arab childhood and indicators of performance of the Arab region, and supporting civil society groups working on the rights of children in the region. The educational arm of the LAS is the Arab League Educational, Cultural and Scientific Organisation (ALECSO), which was developed, with UNESCO support, strategies for preschool education, literacy promotion, and education development in the Arab region. However, it is difficult to assess the extent to which these strategies have been followed up by Member States of the LAS.<sup>531</sup>

The ***Arab Charter on Human Rights***<sup>532</sup> contains provisions that are specifically designed to protect the rights of Arab children and ensure their survival and development.<sup>533</sup> The Charter entered into

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<sup>527</sup> Draft Arab Action Plan on Childhood, *Op. Cit*

<sup>528</sup> “Rights of the Child - Note by the Secretary-General”, Sixty-first session, Promotion and Protection of the Rights of Children, A/61/299, UN General Assembly, 29 August 2006

<sup>529</sup> “Arab Conference on Disability held October 2002 in Beirut, Identifies Violence as a Major Cause of Disability”, Nawaf Kabbara, Arab Organization of Disabled People, in [http://www.disabilityworld.org/04-05\\_03/violence/arab.shtml](http://www.disabilityworld.org/04-05_03/violence/arab.shtml)

<sup>530</sup> “Egypt: Arab Guidelines for Children without Parental Care”, Child Rights Information Network (CRIN),

<http://www.europeanchildrensnetwork.org/resources/InfoDetail.asp?ID=16839>

<sup>531</sup> “Situational Analysis of the Regional Actors in the Field of Child Rights in the MENA Region”, Mohammed Abdo Azzageer, Save the Children Sweden, September 2005, Yemen

<sup>532</sup> The first version of the Charter was adopted by the Council of LAS in September 1994. The revised version was adopted on 23 May 2004 at the LAS Summit in Tunisia.

<sup>533</sup> This section is extracted from “DCI’s concern over Arab Charter authorising death penalty against children” Defence for Children International – Palestine Section, 12 February 2008, Ramallah, <http://www.dcipal.org/english/display.cfm?DocId=678&CategoryId=1>

force on 15 March 2008, 60 days after ratification by the seventh state, the United Arab Emirates, on 15 January 2008.<sup>534</sup>

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: The State and society shall ensure the protection of the family, the strengthening of family ties, the protection of its members and the prohibition of all forms of violence or abuse in the relations among its members, particularly against women and children. This provision goes further than UNCRC Article 19(1) which fails to prohibit violence in the family, but encourages States parties to ‘take all appropriate legislative, administrative, social and educational measures to protect the child’ from violence. 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 UNCRC Article 40.

However, concern has been expressed by the UN High Commissioner for Human Rights<sup>535</sup> as well as civil society groups over the provisions contained in some of the Articles, which do not meet international norms and standards set out by amongst others the UN CRC, 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, *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’.

Assessment of LAS Initiatives: Many of the LAS member countries have set up higher council or national task force for childhood, mandated to design and monitor national plans and coordinate child-related programmes, and some have also initiated Children's Parliaments to encourage child and youth participation. Many of the countries have amended or introduced new laws to better incorporate child rights. Further research however is needed to evaluate the extent to which national childhood coordinating mechanisms are effective, and to determine mechanisms by which the LAS, particularly the Advisory Technical Committee for Arab Childhood and its Technical Secretariat, monitors whether new or amended laws are enforced and programmes are implemented at the national level.

In December 2004, the LAS issued a report on the situation of children in Arab countries and touched upon the progress achieved by Arab states in securing child rights. The report carried out by UNICEF upon the request of the LAS, stressed the need for increased investment in children for the development and implementation of the 2004-2015 Arab Plan of Action for Children. Arab countries have made significant strides in child welfare indicators, including a reduction in under-5 mortality rate (U5MR) to less than 70 per 1000 live births in at least 15 countries, near elimination of polio, 80

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<sup>534</sup> “Arab Charter on Human Rights”, Child Rights Information Network (CRIN), <http://www.crin.org/Law/instrument.asp?InstID=1267>

<sup>535</sup> “Arab rights charter deviates from international standards, says UN official” UN News Centre, UN News Service, 30 January 2008, <http://www.un.org/apps/news/story.asp?NewsID=25447&Cr=human&Cr1=rights>

per cent enrolment rate of girls in basic education in at least 15 counties, and improvements in the ratio of population with access to clean water and adequate sanitation.<sup>536</sup> However, some 7.5 million Arab children are still out of school, 13.5 million are working and several million are affected by armed conflict or threatened by other forms of violence, abuse and lack of opportunities to participate in decision making, according to UNICEF.<sup>537</sup>

The Arab League's failure to take firm action towards ending the humanitarian crisis in Sudan has also raised serious doubts on the ability of the League to promote child protection in the region.<sup>538</sup>

## 1.2 Gulf Cooperation Council

On 25 May 1981, the leaders of the United Arab Emirates, State of Bahrain, Kingdom of Saudi Arabia, Sultanate of Oman, State of Qatar and State of Kuwait met in Abu Dhabi, United Arab Emirates, where they reached a cooperative framework joining the six states to form the Cooperation Council for the Arab States of the Gulf (GCC) Charter.<sup>539</sup> The objective of the GCC is to facilitate coordination, integration and inter-connection among the Member States in all fields in order to achieve unity.

The Supreme Council, composed of the Heads of State of GCC member countries, is the highest authority of the GCC. The GCC has not developed any charter or resolution regarding child rights. The GCC Secretariat General is the main partner for Gulf-wide coordination of UNICEF-supported child welfare and protection programmes.<sup>540</sup> 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. UNICEF confirms that one of the main challenges of the area is the need to improve the quality of programmes, for example through the enhancement of curricula and teaching methods to increase educational achievements.<sup>541</sup>

“The Committee on the Rights of the Child has highlighted the need in all GCC countries to further review and enhance domestic and customary laws, rules and regulations as well as programmes to ensure greater adherence to child rights standards... Of particular concern are the low ages for criminal responsibility and marriage, the lack of rights among children without caregivers and gender inequality in the transfer of nationality.... There is a need to strengthen institutions and national capacities to conduct research, monitor, evaluate and report on progress in the implementation of the CRC, to involve civil society, and to improve child-focused data collection and analysis system”, reports UNICEF. The Committee on the Rights of the Child has also recommended that member

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<sup>536</sup> “Concept Paper and Agenda The Third Arab High Level Conference on the Rights of the Child Tunis”, 12-14 January 2004, UNICEF, 2004, [http://www.unicef.org/tn/medias/hlm/concept\\_paper.pdf](http://www.unicef.org/tn/medias/hlm/concept_paper.pdf)

<sup>537</sup> “Arab world makes much progress in child welfare but still has way to go”, News Centre, UN News Service, 11 April 2005

<sup>538</sup> Human Rights Watch states that in 2004, the Arab League dispatched to Darfur its own Commission of Inquiry, which condemned “massive violations of human rights” by pro-government militias. Following active protest by Sudan, the Arab League downplayed the commission’s findings. See [hrw.org](http://hrw.org)

<sup>539</sup> Unless otherwise stated, information is from the GCC website, <http://gcc-sg.org/Foundations.html>

<sup>540</sup> “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 United Nations Children’s Fund, 1 July 2003

<sup>541</sup> “2007-2009 Recommendation for funding from other resources without a recommendation for funding from regular resources”, United Nations Children’s Fund, E/ICEF/2006, 5 July 2006

states of the GCC continue and strengthen efforts to address discrimination and protection issues at the regional level.<sup>542</sup>

The GCC countries with UNICEF support have organised regional workshops on implementation of the recommendations of the Committee on the Rights of the Child.<sup>543</sup> The 2005 regional workshop focused on the mechanisms of monitoring and following-up, protecting children from violence, neglect and discrimination, and juvenile justice.

### 1.3 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).<sup>544</sup> The OAU had come under fire for its failure to take action against its Member States' blatant disregard for their citizens' human rights.<sup>545</sup> 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.<sup>546</sup> In 1999, the heads of the OAU member states issued a Declaration calling for the establishment of an African Union. The Constitutive Act of the African Union was adopted at the Lomé Summit in 2000.

The AU is made up of 53 African member states. Within the Middle East and North Africa region, Algeria, Egypt, Libya, and Tunisia are members, as is the Sahrawi Arab Democratic Republic, which Morocco claims as its own territory.<sup>547</sup> 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.<sup>548</sup> The AU Vision, Mission Statement and Strategic Framework specifically refer to the 'fight against child labour, child trafficking, and the use of child soldiers', and aims to ensure child participation.<sup>549</sup>

Its predecessor, the OAU, issued the Declaration on the Rights and Welfare of the African Child at the Sixteen Ordinary Session in Monrovia in July 1979.<sup>550</sup> The declaration called upon member states to abolish harmful practices such as child marriage and female circumcision, to make education and health programmes universally accessible to all children, to prioritise the needs of the most deprived and vulnerable children, especially disabled children, refugees and displaced children. The declaration also called upon member states to ratify the International Labour Organisation Convention n. 138 concerning minimum age for admission to employment and to emphasise the principle of 'meaningful participation'.

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<sup>542</sup> "Concluding observations of the Committee on the Rights of the Child - United Arab Emirates", Committee on the Rights of the Child, CRC/C/15/Add.183, 13 June 2002

<sup>543</sup> See UNICEF Gulf Area Office website, [http://www.unicef.org/gao/resources\\_3434.html](http://www.unicef.org/gao/resources_3434.html)

<sup>544</sup> Unless otherwise stated, information is extracted from the African Union website: <http://www.africa-union.org/>

<sup>545</sup> "Introduction to African Union", Child Rights Information Network (CRIN), <http://www.crin.org/RM/au.asp>

<sup>546</sup> "World Report 2001", Human Rights Watch, 2001, available at: <http://www.hrw.org/wr2k1/africa/africa2.html>

<sup>547</sup> Morocco left the OAU in 1984 following the OAU admission of the Sahrawi Arab Democratic Republic as the government of Western Sahara.

<sup>548</sup> "Celebrating the Day of the African Child – Welcoming Remarks", Bience P. Gawanas, AU Commissioner for Social Affairs, Workshop on Social protection for Orphans and Vulnerable Children, AU Conference Centre, 16 June 2005

<sup>549</sup> "Commission of the African Union: 2004 – 2007 Strategic Plan", African Union, May 2004

<sup>550</sup> The declaration is available at: [http://www.chr.up.ac.za/hr\\_docs/african/docs/ahsg/ahsg36.doc](http://www.chr.up.ac.za/hr_docs/african/docs/ahsg/ahsg36.doc)

The OAU issued two resolutions focusing specifically on children in armed conflict. In July 1990, the Council of Ministers of the OAU adopted the “Resolution on Peace for Children: reducing the effects of armed conflicts on children and women in Africa”, which denounced the use of children for military purposes and called upon member states to provide timely protection and assistance in conflict areas.<sup>551</sup> In July 1996, the Council of Ministers of the OAU reaffirmed through the “Resolution of the Plight of African Children in Situations of Armed Conflict” that the use of children in armed conflicts constitutes a violation of their rights and urged the release and rehabilitation of child combatants.<sup>552</sup>

The OAU had also issued in 1998 the African Common Position and Plan of Action on Child Labour, which called upon member states to ratify existing conventions on child rights, to comply with international standards relating to minimum working age and to the elimination of all forms of child labour, and to adopt time-bound goals for ensuring access to education services.<sup>553</sup> In 2000, the OAU had also adopted the Common Position and Plan of Action to support HIV/AIDS orphans.<sup>554</sup>

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.<sup>555</sup> Algeria acceded to the Charter 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 Charter provides a comprehensive framework outlining the basic rights of the child, protection to be provided to children against various forms of abuse and exploitation, and mechanisms of implementation. The Charter incorporates many of the principles enshrined in the CRC, namely non-discrimination, best interests of the child, child survival, development and protection.

Human Rights Watch reports that the ACRWC is the only regional treaty in the world which addresses the issue of child soldier.<sup>556</sup> It defines a "child" as anyone below 18 years of age without exception. Article 23 of the Charter also makes explicit reference to emergency assistance: states shall take all appropriate measures to ensure that ‘refugee children as well as internally displaced children whether through natural disaster, internal armed conflicts, civil strife, break-down of economic and social order or howsoever caused receive appropriate protection and humanitarian assistance in the enjoyment of the rights set out in this Charter and other international human rights and humanitarian instruments to which the States are Parties’.

The Charter provided for the establishment of the Committee of Experts on the Rights and Welfare of the Child to promote and protect the rights and welfare of the child. The 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. The

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<sup>551</sup> CM/Res.1292 (LII), Organisation of African Unity, 1990

<sup>552</sup> CM/Res. 1659 (LXIV) Rev. 1 1996, Organisation of African Unity, 1996

<sup>553</sup> “Taking Harmonization Forward: What can the AU Commit to?”, Paper presented at Regional Symposium on Harmonization of Laws on Children in Eastern and Southern Africa, Laila Gad, African Union, 9-10 May 2007, Nairobi, Kenya

<sup>554</sup> *Idem*

<sup>555</sup> “African Charter on the Rights and Welfare of the Child”, Organisation of African Unity, 1990, OAU Doc. CAB/LEG/24.9/49

<sup>556</sup> “Children’s Rights: International Legal Standards Governing Child Soldiers”, Human Rights Watch, available at:

<http://www.hrw.org/campaigns/crp/int-law.htm>

Committee, which was first established in July 2001, is also mandated to monitor the implementation of the rights enshrined in the Charter. Member states are requested to provide reports on the implementation of the ACRWC to the Committee according to agreed upon timetable. The Committee reports to the Assembly of heads of state of the AU every two years. The Committee is still drafting its working methods and has yet to examine any complaints.<sup>557</sup>

The AU held the First Pan-African Forum on the Future of Children in Cairo, Egypt in May 2001. In addition to AU member states, academics, representatives of development and humanitarian organisations and child rights activists participated. During this forum, the AU adopted the "African Common Position on Children"<sup>558</sup> and "Africa Fit for Children" as a contribution to the UN Special Session on Children, which was held in New York in May 2002. The position paper, which was endorsed by the AU Assembly of heads of state in July 2001, reaffirmed Africa's commitment to the CRC and the ACRWC. 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. It also included child protection issues such as adoption and child involvement in armed conflict, and legal protection. Similarly to the Charter, the Common Position called for actions to address child protection issues at national, regional and international levels.

The Common Position Paper called for a Mid-Term Review to assess progress made in implementing the Plan of Action on Children, and subsequently, the Second Pan-African Forum on Children was held in Cairo from 29 October to 2 November 2007 under the theme: "Review of Progress towards Achieving the Implementation of the 2001 Declaration and Plan of Action on Children ". The Forum considered in-depth issues related to child survival, protection, development and participation and progress achieved by the member states. The outcome of the Forum was the adoption of a "Call for Accelerated Action on the Implementation of the Plan of Action towards Africa Fit for Children 2008-2012". The Call, focusing on child survival, protection, development and participation was Africa's contribution to the UN Special Session on Children, held in December 2007.<sup>559</sup>

The effectiveness of AU initiatives, however, is difficult to assess. 41 out of the 53 countries have acceded to the ACRWC. Most governments have created institutions in charge of children's issues and have put in place initiatives to enhance child participation, through the creation of Children's Parliaments, for example. However, there is a general consensus that more efforts should be expended to 'popularise the ACRWC', and to 'make the Charter available in all forms targeting different groups, use institutions to conduct studies on sections of the Charter, provide training and information to Ministries on the ratification and implementation of the Charter, and undertake missions to Member States to lobby for its ratification, establish a reporting mechanism on the

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<sup>557</sup> Idem

<sup>558</sup> The Common Position Paper is available at: <http://www.unicef.org/specialsession/documentation/documents/africa-position-forum-eng.doc>

<sup>559</sup> The Call is available at <http://www.africanchildinfo.net/documents/CALLFORACCELERATEDACTION.doc>

violation of the rights of children, and develop a strategic plan with specific time frame on the popularisation campaign of the Charter.<sup>560</sup>

The Committee of Experts on the Rights and Welfare of the Child confronts major challenges including: members come from different countries and meet twice a year only; to date there is no secretariat for the Committee; there is a need for stronger coordination among members of the Committee and States Parties. Limited financial resources hinder its ability to fulfil its mandate of oversight, monitoring, and investigatory functions.<sup>561</sup> The Committee needs to better include child participation as key principle in its work, should review state parties' reports more promptly, and encourage NGOs to provide supplementary reports respect.<sup>562</sup>

Concerns have also been expressed about the limited impact of AU initiatives. Plan International's participatory research with 1,000 children across African countries, including Egypt, suggests that large numbers of children have not seen any benefit in their lives as a result of the AU's 2002 initiative to make Africa Fit for Children.<sup>563</sup> All the children surveyed identified the continent's economic difficulties as a major cause of increased child labour and trafficking. At the Second Pan African Forum on Children, child and youth representatives called for effective systems of monitoring and accountability on promises made to children 'no more resolutions without solutions'.<sup>564</sup>

Other human rights instruments concerned with child rights include the ***African Charter on Human and People's Rights***, which was adopted by the then OAU on 27 June 1981 and entered into force on 21 October 1986.<sup>565</sup> Article 18 of the Charter refers specifically to child rights. 'The State shall ... ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions'. All 53 member states of the AU are party to the African Charter on Human and People's Rights.<sup>566</sup>

The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, was adopted on 13 September 2000, and entered into force on 25 November 2005. It refers to the protection of the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions, including provision for sanctions against the perpetrators of such practices. It also prohibits all forms of economic exploitation of children, especially the girl child.<sup>567</sup>

As in the UN human rights system, complaints may also be addressed to Special Procedures – individuals or working groups who are charged with monitoring a particular thematic area of concern.

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<sup>560</sup> "Report on the Eighth Meeting of the African Committee of Experts on the Rights and Welfare of the Child", African Union, 27 November– 1 December 2006, Ethiopia

<sup>561</sup> Laila Gad, Op. Cit

<sup>562</sup> Idem

<sup>563</sup> "Mid-Term Review of the African Common Position of Children", Plan International, September 2007

<sup>564</sup> Linda Yohannes, youth representative from Ethiopia, quoted in The African Child Information Hub <http://www.africanchildinfo.net/eventdetail.asp?EvtId=104>

<sup>565</sup> "African (Banjul) Charter on Human and People's Rights, OAU Doc. CAB/LEG/67/3, OAU1981, Nairobi

<sup>566</sup> The African Court on Human and People's Rights was established by the Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights. The Protocol entered into force in 2006, but has not yet begun its work.

<sup>567</sup> "Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa" African Commission on Human and People's Rights, African Union, 11 July 2003, Mozambique



There is currently no Special Procedure for child rights, but complaints involving breaches of child rights may be addressed to the other procedures.<sup>568</sup>

#### **1.4 Organisation of the Islamic Conference (OIC)**

The OIC, the “collective voice of the Muslim world”, was set up in 1969.<sup>569</sup> It is the second largest inter-governmental organisation after the United Nations, and has 57 member states spread over four continents, and four Observer States.

In 1990, the foreign ministers of the OIC adopted the Cairo Declaration of Human Rights to guide member states on human rights issues. 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 organisations have criticised the Islamic Shari’ah based-Cairo Declaration as eroding rights – particularly right to religion, right to freedom, principle of non-discrimination, specifically of girls, women and non-Muslims – enshrined in the Universal Declaration of Human Rights.<sup>570</sup>

The Declaration does not specifically refer to child rights. Articles related to children include Article 3 on protection of civilians during armed conflict (‘In the event of the use of force and in case of armed conflict, it is not permissible to kill non-belligerents such as old man, women and children’) and Article 7, which states that (a) every child has rights due from the parents, society and the state to be accorded proper nursing, education and material, hygienic and moral care (b) Parents and {guardians} ...have the right to choose the type of education they desire for their children, provided they take into consideration the interest and future of the children in accordance with ethical values and the principles of the Shari’ah (c) Both parents are entitled to certain rights from their children... in accordance with the tenets of the Shari’ah’.<sup>571</sup>

OIC Member States account for a quarter of the world’s 2.3 billion children, in nations spanning across Africa, Asia and the Middle East.<sup>572</sup> 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.

At the Sixth Session of the Islamic Summit in Dakar in 1991, the OIC reaffirmed its commitment to the World Summit for Children and declared that the ‘survival, protection and full development of children should be of the highest priority in the national, regional and international programmes’. In June 1994, the OIC sponsored a child rights symposium in Jeddah to promote the ratification of the CRC by all Islamic Conference member countries. A draft declaration on child rights in the Islamic world was prepared by the expert symposium, and endorsed at the Seventh Islamic Summit held in Morocco in December 1994.

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<sup>568</sup> “Using Regional Human Rights Mechanisms”, Child Rights Information Network (CRIN), [www.crin.org/RM/introduction.asp](http://www.crin.org/RM/introduction.asp)

<sup>569</sup> Unless otherwise stated, information is extracted from OIC website, <http://www.oic-oci.org/oicnew/home.asp>

<sup>570</sup> “Human Rights Council Concludes”, News and Media, United Nations Office at Geneva, 13 March 2008

<sup>571</sup> “Cairo Declaration on Human Rights in Islam”, Organisation of Islamic Conference, Adopted during the Nineteenth Islamic Conference of Foreign Ministers, Cairo, Egypt, 31 July - 5 August 1990.

<sup>572</sup> “Conference on Islamic Child”, Media Centre, UNICEF, 7 November 2005, Rabat

The Declaration on the Rights and Care of the Child in Islam<sup>573</sup> affirmed the principle of non-discrimination and the right of the child to life, lineage, guardianship, social, health, psychological and cultural care, ownership, and education. UNICEF warmly welcomed the declaration, which marked the first occasion that an OIC Summit had approved a declaration on children.<sup>574</sup> 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 every necessary measure to prevent further armed conflicts and to pay special attention to the protection needs of children, including children residing in zones of violent and persistent conflicts, as well as refugee and displaced children by meeting their physical and moral needs, paying attention to their education and helping restore them to normal living.<sup>575</sup>

Resolutions on Child Care and Protection in the Islamic World<sup>576</sup> were also issued at the Ninth Session of the Islamic Summit held in Doha in 2000 and the Tenth Session of the Islamic Summit held in Malaysia in 2003. Member states were urged to safeguard children's rights and to work with the assistance of the international community to improve the conditions of children, particularly those living under difficult conditions in conflict-ridden regions and those suffering from the effects of economic blockades and sanctions imposed on their countries, as well as displaced children refugees. The resolution also raised the issue of working children and 'human rights of children of both sexes'.

In 2004, the OIC issued the Covenant on the Rights of the Child in Islam, which was adopted by the 32<sup>nd</sup> Islamic Conference of Foreign Ministers in Yemen, in June 2005.<sup>577</sup> Similarly to the Arab Charter on Human Rights, the covenant has not generated widespread media attention, and there is dearth of information on its ratification status. (According to Article 23, the Covenant 'shall enter into force on the thirteenth day following the date of deposit with the Secretary General of the Organization of the Islamic Conference of the twentieth instrument of ratification'.) While the United Nations has been quick to point out the potential areas of cooperation and commonality between the Millennium Development Goals, the CRC and the Covenant on the Rights of the Child in Islam<sup>578</sup>, human rights organisations have yet to produce a thorough critique of the Covenant.

In response to the resolution "Child Care and Protection in the Islamic World" passed at the 2003 OIC Summit in Malaysia, the First Islamic Ministerial Conference on the Child was held in Rabat in November 2005, in cooperation with UNICEF and the Islamic Educational, Scientific and Cultural Organisation (ISESCO). In preparation for the conference, UNICEF, ISESCO and OIC published a joint report on the situation of children in Islamic countries, entitled "Investing in the Children of the Islamic World", focusing on health, combating HIV/Aids, education and child protection issues. The report highlighted for example that millions of children remain victimised by exploitation, and countless others by violence at home, in schools, on the streets, in institutions and through the

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<sup>573</sup> Resolution N. 16/7, the Seventh Islamic Summit Conference, Casablanca, Kingdom of Morocco, 13-15 December, 1994

<sup>574</sup> "Report of the Secretary General Cooperation between the United Nations and the Organisation of the Islamic Conference", UN General Assembly 17 October 1995 <http://www.un.org/documents/ga/docs/50/plenary/a50-573.htm>

<sup>575</sup> Resolution N. 14/8-C (IS) on Child Care and Protection in the Islamic World.

<sup>576</sup> Resolution No. 16/9-C (IS) is available at <http://www.oic-oci.org/oicnew/english/conf/is/10/10%20IS-CS-E.htm>

<sup>577</sup> Available at: <http://www.oic-oci.org/oicnew/english/convention/Rights%20of%20the%20Child%20In%20Islam%20E.pdf>

<sup>578</sup> See for example <http://www.unesco.org/education/framework.pdf> and <http://www.oicun.org/articles/56/1/UN-Coop-with-Regional-Inter-Governmental-Orgs-Apr-2007/1.html>

juvenile justice system, however, the lack of empirical data combined with social stigma make it difficult to know the true extent of these problems and can hinder protection efforts.

The outcome of the first Ministerial Conference on the Child, which was also attended by civil society groups, was the Rabat Declaration on Children in the Islamic World.<sup>579</sup> The declaration embraced the principles of the best interests of the child, non-discrimination, participation, survival and development, all the while preserving “common Islamic heritage” and publicising the “values of Islam with regard to women and children”. The declaration called upon Member States to allocate adequate resources and take all necessary measures to ensure the right of the child, without discrimination, to enjoy highest possible standards of health, and called for an end to harmful traditional practices. The Declaration called upon member states ‘to prevent and protect children from all forms of exploitation, abuse, torture and violence, including physical, mental, sexual and domestic violence, and abuse by police and other law enforcement authorities in detention centres or welfare institutions, including orphanages...and ‘take the necessary measures to eliminate all forms of discrimination against girls and all harmful traditional or customary practices, such as child marriage and female genital mutilation’.

In December 2005, at the Islamic Summit in Mecca, the OIC issued the Ten-Year Programme of Action ‘which envisages joint action of member states... and emphasises good governance and promotion of human rights in the Muslim world, especially with regard to rights of children, women and elderly and the family values enshrined by Islam’. It called upon countries to ‘strive to provide free, compulsory, and quality primary education for all children... to strength laws aimed at preserving the rights of children, enjoying the highest possible health levels, taking effective measures... protect them from all forms of violence and exploitation’. It also called upon member states ‘to sign and ratify the OIC Covenant on the Rights of the Child in Islam... the UN Convention on the Rights of the Child and its annexed Optional Protocols... and the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol with regard to the Girl Child’.

### **1.5 Academic, Research and Information Institutions**

The Arab Institute for Human Rights, with the School of Law in the Lebanese University and the School of Legal, Political and Social Sciences of 7 Novembre University in Tunisia, has initiated a Masters Programme in Child Rights.<sup>580</sup> The UNICEF-supported Executive Masters Degree was set up ‘to address the need for further investments in the training of professionals that will bolster the quality of technical assistance on child rights issues in the region’.<sup>581</sup> It is a part-time two-year course that combines residential teaching and distant learning, and focuses on issues such as international legal instruments defending child rights, legal issues relating to trafficking and sexual exploitation of children, juvenile justice and international adoption.

Media participation in upholding children’s rights has recently been encouraged in the Middle East and North Africa region. The 2001 Second High Level Arab Conference on Children of the Arab League highlighted the need for media to become more engaged in child rights issues, and called for

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<sup>579</sup> The Rabat Declaration is available at: [http://www.adeanet.org/trans/Marie/novembre05/Rabat\\_decla\\_eng.pdf](http://www.adeanet.org/trans/Marie/novembre05/Rabat_decla_eng.pdf)

<sup>580</sup> For more information, see AIHR website <http://www.aihr.org.tn/arabic/masterDE/masterDE.htm>

<sup>581</sup> “MENA Masters on Child Rights reaches a successful conclusion”, Press Centre, UNICEF, 19 December 2006, Amman

“Code of Conduct” to guide media when designing programmes addressed to children.<sup>582</sup> With the support of UN agencies, the Arab Institute for Human Rights and media entities such as Al Bayan Newspaper and Dubai Press Club, the First Arab Media and Child Rights Forum was held in Dubai in December 2004. The Forum brought together media organisations, human rights experts, and development practitioners to reflect on current media practices and seek ways of promoting and defending the rights of the child. The Forum highlighted the positive role the media can play in enhancing awareness on children’s rights and in protecting children from abuse, violence and exploitation. It called upon a more balanced media framework, stressed the right to freedom of opinion, expression and press.<sup>583</sup> The Second Media Forum, held in May 2006 in Dubai, focused on girl’s education. According to the UN Girls Education initiative it was: ‘a three-day review of policy innovations, country-specific strategies, success stories and challenges ahead in the area of girls’ education’.<sup>584</sup>

## 2. Civil society

### 2. 1. Role of Civil Society in following up on the CRC at the regional level

The Committee on the Rights of the Child has consistently recommended Arab governments to engage civil society more in the monitoring and implementation of the CRC.<sup>585</sup> The need to strengthen coordination and cooperation among government structures and civil society, with the participation of youth and children, in order to enhance implementation of child rights obligations has been reiterated across the Arab region.<sup>586</sup>

In recent years, an increasing number of civil society organisations (CSOs) in the region have become engaged in the follow up of the CRC at the regional level, by coordinating and networking among member countries, sharing information on reporting mechanisms, and by organising regional training workshops.

A number of regional organisations focus on ***strengthening the capacity of NGOs*** in Arab countries to monitor the implementation of the CRC. Founded in 1988, the Arab Resource Collective (ARC) is a regional, independent non-profit organisation. ARC works with partners in several Arab countries, including Lebanon, Palestine, Syria, Jordan, Yemen, Egypt, and Sudan. The ARC, with the support of Save the Children has been building NGO capacity in alternative report writing, monitoring and advocacy. Several workshops have been held on CRC alternative reporting and

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<sup>582</sup> Mohammed Abdo Azzageer, 2005, *Op. Cit*

<sup>583</sup> “The First Arab Media and Child Rights Forum” Haqqi Issue 14, *Op.Cit*

<sup>584</sup> Quoted in “Regional Scoping Exercise”, A. Hauzar, E. Eidaous and A. Al Kassir, Save the Children UK, March 2007

<sup>585</sup> This recommendation was included in the Concluding Observations for Algeria, Egypt and United Arab Emirates for example.

<sup>586</sup> “Report on the Workshop on the Implementation of the Concluding Observations of the Committee on the Rights of the Child - Damascus, 17 - 19 December 2003”, Office of the United Nations High Commissioner for Human Rights, 21 January 2004

promoting NGO follow-up on Concluding Observations in the Arab region. Special attention has been paid to the issue of child participation in reporting and follow-up of the Concluding Observations of the Committee on the Rights of the Child.<sup>587</sup> The Arab Institute for Human Rights (AIHR), founded in Tunisia in 1989, is a leading regional organisation providing human rights training, including on child rights. In May 2003, it organised with the support of UNICEF a training workshop on “Mandatory reports according to CRC Article 44 within the International priorities”, which stressed the importance of building coherence between policies, programmes and approaches, and CRC principles namely non-discrimination and best interest of the child.<sup>588</sup> @NGED, a regional network supported by Center for Arab Women Training and Research (CAWTAR), is also building a child rights training programme. In the African region, the Institute for Human Rights and Development in Africa promotes awareness-raising on regional human rights instruments, through training workshops for NGOs on the African Charter on the Rights and Welfare of the Child.<sup>589</sup>

With support from international NGOs and UN agencies, NGOs in the Middle East and African region are also increasingly engaged in **thematic advocacy work**, to lobby governments to implement recommendations of the Committee on the Rights of the Child. The Middle East North Africa NGO Network to Stop the Use of Children as Soldiers, for example, is a network of 12 Arab NGOs working on child soldier issues. The Network, which is a regional affiliate of the Coalition to Stop the Use of Child Soldiers, was formally established in August 2002, as a follow up to the Amman Conference, organised by the International Child Soldiers Coalition with support from the UN.<sup>590</sup> The Conference, which brought together representatives of Arab governments and CSOs, resulted in the proclamation of the Amman Declaration, which strongly condemned the military recruitment and use of children by governments and armed groups and called for prompt ratification and implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Arab Organisation of Disabled People, regional organisation covering 15 Arab countries, has worked closely with the Arab League to promote the interests of disabled people.

CSOs have organised **regional conferences** to promote regional approaches to child welfare and protection issues. The leading organisation is the Arab Council for Children and Development which was established following the Arab League Conference on Childhood, held in Tunisia in 1986.<sup>591</sup> The ACCD, an NGO presided by HRH Prince Talal Bin Abdul Aziz, is often considered an “arm” of the League of Arab States. In April 2004, ACCD, in collaboration with the United Nations Economic Social and Cultural Organisation (UNESCO), held a regional seminar on alternative modalities for the education of drop out children, street and working children, and children living in difficult circumstances.<sup>592</sup> In 2005, it organised a regional conference on cultural influences, advocating for

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<sup>587</sup> “CRC Alternative Reporting and Follow - Up on Concluding Observations in Arab Countries-Executive Summary”, Arab Resource Collective, <http://www.mawared.org/english/?q=node/388>

<sup>588</sup> “Arab Regional Recommendations on Child Rights”, ” Haqqi Issue 11, October 2003, Arab Resource Collective

<sup>589</sup> Report on the Eighth Meeting of the African Committee of Experts on the Rights and Welfare of the Child, *Op. Cit*

<sup>590</sup> For more information, see the MENA NGO Network website: <http://www.child-soldiers-mena.org/>

<sup>591</sup> For more information, see ACCD website: <http://www.arabccd.org/docs/index.htm>

<sup>592</sup> “Regional Seminar on the various educational modalities for Drop Out Children”, UNESCO Office Beirut, UNESCO, [http://portal.unesco.org/en/ev.php-URL\\_ID=21941&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=21941&URL_DO=DO_TOPIC&URL_SECTION=201.html)

governments to activate Article 17 of the CRC related to the right of children to obtain information.<sup>593</sup> The African Child Policy Forum has also organised conferences on child rights, including the International Conference on Violence against Girls in Africa in May 2006.

To inform regional policy and advocacy on child rights, the ACCD also conducts **research**, publishing for example in 1989 the “State of the Child in the Arab World” and in 1993 “Child Labour in the Arab Countries”, as well as survey on street children in Yemen in 2004. The Arab MENA Research Network for Children under Difficult Circumstances was initiated to promote and strengthen research among the Arab region and ensure the rights of children under difficult circumstances, such as children affected by violence, working children, refugee children, disabled children, street children and orphans, and juvenile delinquents.

With the support of organisations such as UNICEF, AIHR and ACCD, **regional fora** have been organised to lobby governments to fully implement the CRC and to prepare for the 2002 UN Special Session on Children in New York. More than 100 young people from 16 countries participated in the Regional Youth Forum, held in Amman in November 2000. The participants put together their own agenda for change with a “Call for Action” asking for more child-friendly curricula, better quality teaching, a revision of the image media portrays of youth and a better dialogue with adults. The Regional Arab Civil Society Forum, held in 2001 in Rabat, which brought together more than 200 participants from 21 countries, resulted in the Rabat Declaration which urged all regional and international organisations as well as States, governments and leaders to adhere meticulously to the CRC to formulate economic and development policies to benefit children, and to shelter children from war, blockade and disease; and to make child participation a central goal. The second Regional Arab Civil Society Forum took place in 2005 (originally planned for 2003) to assess the second Arab Plan for Childhood did not take place<sup>594</sup>. The third Forum is planned for end 2008 beginning 2009.

There have been some regional efforts to encourage **child and youth participation**. Since the Child Summit in 1980, the Nour Hussein Foundation has convened the Arab Children’ Congress, which annually brings together children throughout the Arab region for two weeks. However, whether the Congress has influenced or has the potential to impact upon public policy and governments’ compliance with the Concluding Observations of the Committee on the Rights of the Child needs to be further assessed.

## **2.2 Services/activities provided/executed by regional actors on Child Rights**

Regional civil society organisations involved in the **early education sector** include: the Kuwait Society for the Advancement of Arab Children, which aims to advance knowledge in the field of education in the Arab world and in particular early childhood education, the ARC which produces books, newsletters and other resources in Arabic, for the use of teachers and community workers in health, education and development projects, and the ACCD, which also provides services, in partnership with others, to young **children with disabilities** in rural communities in Egypt, Yemen, Saudi Arabia, Lebanon, Palestine, and Jordan. The ACCD has also helped to establish the Arab Network for the Rights of Disabled Children in December 2005, and lends financial and technical support to number of organisations focusing on the rehabilitation of **street children**. At the Maghreb

<sup>593</sup> See <http://www.nordicom.gu.se/clear?portal=linkdb&main=arab.php&me=3> for more information

<sup>594</sup> Mohammed Abdo Azzageer, 2005, *Op. Cit*

level, the Union of Maghreb Association for the Protection of Childhood, in Casablanca, and the Arab Maghreb Union for Childhood in Tunisia focus on **child protection**.<sup>595</sup>

### **2.3 The regulatory frameworks for NGO's practiced in the region**

A recently published report by the International NGO Training Centre (INTRAC) notes that the most widely used term for civil society in Arabic literally refers to 'society of the city', indicating that it is the movement from rural and tribal society to urbanised society, which gave impetus to organised civil society.<sup>596</sup> Civil society organisations in the region include charitable associations (jam'iyat khayreyya), cooperatives, trade unions, professional associations, foundations and non-governmental organisations. Across the Middle East and North Africa, however, professional organisations and trade unions tend to be controlled by political parties, and in countries such as Tunisia, government-controlled NGOs have earned the term 'governmental non-governmental organisations'.

The legal and regulatory framework for civil society organisations impacts directly upon their capacity to deliver social services, to conduct efficient social action or to influence public policy. Within the Arab region, government's attitudes to civil society vary considerably, with a wide diversity of laws and practices throughout the region. Egypt, for example, has 16,000 registered NGOs, whereas Saudi Arabia bans almost all forms of non-governmental organisations.

The governments of Libya, Syria, and most Gulf countries still restrict the establishment of truly independent CSOs, especially rights-based organisations. Yemen and Bahrain have an emerging civil society, with recent legislative reforms helping to facilitate the growth of civil society.<sup>597</sup> Egypt and Tunisia have a flourishing civil society, with increasing number of research institutes, human rights, women's rights NGOs and charitable organisations; however in Egypt the permanent state of emergency severely limits associational activities, while in Tunisia, leading human rights organisations continue to experience government interference. At the other end of the spectrum, states like Lebanon, Morocco, Algeria and the Palestinian Authority have 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'.

In most of the states of the Arab region, freedom of association remains the exception rather than the rule, and many of the countries have detained or arrested vocal human rights defenders and activists. Establishing a CSO requires a permit by the relevant ministry, and going through lengthy administrative and security clearance processes. Decisions of the administrative authority remain often discretionary and not open to judiciary recourse. For most civil society associations the authority delivering the permit of registration is the Ministry of Interior in Jordan, Tunisia and Algeria, the Ministry of Social Affairs in Egypt, Yemen, Palestine and Kuwaiti, and the general secretariat of the Government in Morocco. Other categories of associations are sometimes linked to the Ministries of Social Affairs, Labour or Economy.

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<sup>595</sup> A. Hauzar, E. Eidaous and A. Al Kassir, *Op. Cit*

<sup>596</sup> "Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris, International NGO and Training Centre (INTRAC), 2007

<sup>597</sup> This section is extracted from "Arab Civil Societies and Public Governance Reforms - An Analytical Framework and Overview", Salim Naser, United Nations Development Programme, January 2005

In many of the countries, especially in the Gulf region, organisations may not be involved in political activities. However, the law does not stipulate what constitutes a political activity, meaning that the activities of all NGOs, especially human rights organisations, can be disrupted at any time by allegations that they are engaged in political activities. In addition, in many countries, there are currently restrictions on soliciting funding from foreign sources, and in particular Gulf states have started putting restrictions on the types of funds which CSOs can receive under the pretext of measures to combat terrorism', reports INTRAC.<sup>598</sup> In Jordan, the leading foundations are headed by members of the royal family, who often benefit from a more favourable regulatory environment and capture the lion's share of foreign assistance.

CSOs in the Arab region have stressed the need for eliminating all legislative, administrative and security restrictions imposed on the establishment and management of NGOs, syndicates and trade unions, political parties and mass communication media. They have also called for the free flow of information and freedoms of expression, belief and assembly as well as legislation in accordance with international standards.<sup>599</sup>

## **2.4 Obstacles to CSOs in fulfilling their role as co-responsible parties**

NGOs in the Arab region encounter an array of obstacles in fulfilling their role as co-responsible parties. The legislative environment remains restrictive in many of the countries. Freedom of association and assembly in most countries remains severely limited, with NGOs having to apply for permission to register and to hold meetings, which are often arbitrarily refused. In addition to the often inhibiting legal and regulatory frameworks and the restrictions imposed by governments, Arab NGOs are also limited by internal factors which hinder their impact, including:<sup>600</sup>

- Weak internal governance and organisational structures: Arab CSOs have generally either bureaucratic structures that resemble the state bureaucracy authoritarian structures or they have loose and ineffectual structures unable to support sustained and complex organisational or mobilisation work. In addition many organisations do not embody the accountable and transparent governance they have been calling for. Instead, leadership does not easily rotate and can be as entrenched as the dominant political power structure. Decision-making can be very concentrated and opaque, and accountability to members and constituencies tend to be limited.
- Precarious, conditional or donor-driven funding: Many Arab CSOs lack financial autonomy, and the mobilisation of their own internal resources tend to be limited. Some rely largely on state funding but often with political strings attached or as political clienteles of state leadership. Local philanthropy is often limited to traditional support for social welfare associations and in

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<sup>598</sup> INTRAC, *Op.Cit*

<sup>599</sup> *Idem*

<sup>600</sup> The list of constraints is extracted from Salim Naser, *Op. Cit*



most Arab states there is no legal framework and fiscal incentives for philanthropic donations. In several cases states look with suspicion and even prohibit private donations to CSOs.

- Organisational fragmentation and ideological polarisations: Many Arab CSOs do not have the critical size to be able to carry alone significant or sustainable activities and to achieve a meaningful impact. In addition, most of them have difficulties working together, pooling resources, sharing services or building coalitions in order to increase the efficiency of their social interventions. In spite of the recent emergence of a few regional networks, cooperative work among Arab CSOs remains quite limited. In addition, in the last two decades, a growing ideological polarisation and sometime a rift have developed between faith-based and, at the margin, fundamentalist inspired CSOs, and secularist and leftist oriented organisations.

In addition, INTRAC reports that capacity building of NGOs in the Arab region has mainly focused on programme performance but has largely ignored the two other key areas of internal organisation and external linkages. Key challenges in capacity building provision in the region include the lack of human and material resources in Arabic and a shortage of trainers and facilitators fluent in Arabic.<sup>601</sup>

### **3. The international community and its contribution to the implementation of the CRC in the region**

#### **3.1 The UN Agencies: UNICEF, UNHCR, UNRWA, UNDP, UNESCO, WHO, ILO**

The UN agencies play a lead role in supporting governments of the Middle East and Africa region to implement the CRC, in particular to comply with the Concluding Observations of the Committee on the Rights of the Child.

Within the framework of the UN Development Assistance Framework, UNICEF works to support governments to harmonise national legislation with the CRC, and to develop policies and programmes to support child survival, development, protection and participation. It aims to create a more protective environment for children, for example, by assisting the Ministry of Justice in Algeria in the implementation of a new Child Protection Code, and by supporting the Egyptian Government to draft a national strategy to combat child labour. It has also organised workshops for GCC countries on Country Reporting on the CRC. UNICEF also aims to support governments and CSOs in the region to improve the quality of education and health services provided to children, especially children at risk. For example, in Jordan it is supporting integrated early child care and development (ECCD) programmes, and in Tunisia, activities have been conducted to improve access to quality health care in all regions of the country. In the Gulf region, its programme has shifted from direct support in delivering basic social services to policy advocacy, capacity development and monitoring

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<sup>601</sup> INTRAC, *Op. Cit*

of child rights. Its 2007-2009 Programme consists of supporting the governments of the Gulf region in advocacy, policies and partnerships for children's rights, ECCD and child protection.

The United Nations Development Programme (UNDP) works in seven thematic areas which all impact directly or indirectly upon child welfare and protection: (1) promoting good governance at the country and regional level, particularly through the Programme on Governance in the Arab Region, which was established at the request of Arab governments, (2) poverty reduction (3) crisis prevention and recovery (4) energy and environment (5) HIV/AIDs (6) women's empowerment (7) youth and Millennium Development Goals and (8) knowledge. In a number of countries, UNDP works closely with UNICEF on programmes focusing on children at risk. In Egypt for example, UNDP supports, with other UN agencies, the National Council on Childhood and Motherhood (NCCM) on programmes to combat female genital mutilation, decrease exploitative child labour and improve girls' education.

The International Labour Organisation (ILO) is the only 'tripartite' United Nations agency in that it brings together representatives of governments, employers and workers to jointly shape policies and programmes. One of the main ILO programmes targeting children is the International Programme on the Elimination of Child Labour (IPEC), which was created in 1992 to strengthen the capacity of countries to deal with the problem and promote a worldwide movement to combat child labour. While the goal of IPEC remains the prevention and elimination of all forms of child labour, the priority targets for immediate action are the worst forms of child labour, which are defined in the ILO Convention on the Worst Forms of Child Labour 1999 (No. 182). The other main ILO Convention related to child rights is the 1973 Convention on Minimum Age of Admission to Employment (N.138). 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.

Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Syria, United Arab Emirates and Yemen have ratified conventions N. 138 and 182; Bahrain and Saudi Arabia have ratified convention N. 182. The ILO has a sub-regional office for North Africa based in Cairo, and a sub-regional office for Arab States, based in Cairo. It also has field offices in Algiers, Jerusalem and Kuwait.

The Office of the United Nations High Commissioner for Refugees (UNHCR) is mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. In the Middle East and North Africa, UNHCR provides, amongst others, relief and protection to Sahrawi refugees in Tindouf region in Algeria, Iraqi refugees in Jordan, Syria and Egypt, Sudanese refugees in Egypt, and Somali refugees in Yemen. While Yemen has generally allowed humanitarian agencies to assist refugees with little interference, limited funding is available to support NGOs working with UNHCR in Yemen to support refugees from Somalia, Ethiopia and Eritrean.

The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established by United Nations General Assembly resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for Palestine refugees. Today, UNRWA is the main provider of basic services - education, health, relief and social services - to over 4.5 million registered Palestine refugees in Jordan, Lebanon Syria, West Bank and Gaza. One-third of the registered

refugees live in 58 recognized refugee camps in the area of operations of UNRWA. UNRWA does not own, administer or police the camps, but has a camp services office in each camp, which the residents visit to update their records or to raise issues relating to services.

The Office of the United Nations High Commissioner for Human Rights (UNOHCHR) supports governments and NGOs to cooperate in the formulation of programmes and activities to promote and protect human rights. The Regional Office in Beirut, set up in 2002, covers Bahrain, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syria, United Arab Emirates, and Yemen. The UNOHCHR also has an office in the Occupied Palestinian Territory (OPT), and is opening a Regional Office for North Africa, and a UN Human Rights Documentation and Training Centre in Qatar. It has organised workshops on the implementation of the Concluding Observations of the Committee on the Rights of the Child.

### **3.2 The World Bank and other donor/funding bodies**

The World Bank's Social Protection Unit includes child protection initiatives. The Global Child Labour Programme has functioned as the Bank's focal point for child labour activities, training, capacity building and policy. The Bank also works on early childhood development and has launched a large research programme to study "the Economics of Crime and Violence" in recognition of the devastating economic consequences of violence. The World Bank, with the Arab Urban Development Institute, is also supporting the Child Protection Initiative (CPI), which was set up in response to a recommendation made at the "Children and the City" Conference held in Amman in December 2002. The CPI aims to upgrade the capacities of local authorities and municipalities to improve the well being of children, especially vulnerable and disadvantaged ones, and to enhance knowledge of effective policies and programs that address critical issues of children in the region.<sup>602</sup>

The European Commission is the main donor in the Mediterranean region. The European Neighbourhood Policy is its principle partnership and funding instrument in the Middle East.<sup>603</sup> Within the ENP, many of the country strategies pay 'special attention to the question of women and children's rights', for example, this is the case with the EU-Algeria agreement.<sup>604</sup> Others specially mention child rights programmes. The EU-Lebanon Action Plan, approved in 2006, includes a child protection component, which aims to 'develop a child welfare strategy and its related national action plans and formulate a child protection policy targeting neglected or abused children, and enhance protection of rights of children and intensify efforts to progressively eliminate child labour'.<sup>605</sup> The EU-Egypt Plan also specifically mentions children rights initiatives, including supporting the efforts of the government to eradicate the practice of female genital mutilation through appropriate legislative actions and awareness raising and consolidating the rights of the child through the application of the

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<sup>602</sup> For more information see the MENA Child Protection Initiative website, <http://www.menacpi.org/CPI/English/>

<sup>603</sup> The ENP applies to the neighbours of the European Union (EU), and therefore does not target the GCC countries. Algeria, having only recently ratified its Association Agreement with the EU, has chosen not to negotiate an Action Plan yet. ENP is not yet 'activated' for Libya and Syria as no Association Agreements with the EU are in force.

<sup>604</sup> Algeria Strategy Paper 2007-2013 and National Indicative Programme 2007-2010, European Union, available at: [http://ec.europa.eu/world/enp/pdf/country/enpi\\_csp\\_nip\\_algeria\\_en.pdf](http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_algeria_en.pdf)

<sup>605</sup> "European Neighbourhood Policy EU-Lebanon Action Plan", Approved June 12 2006, pending formal adoption through a decision of the EU-Lebanon Association Council, available at: <http://www.economy.gov.lb/NR/rdonlyres/382A66B4-B795-4703-8ECA-E728D334C97A/0/ENPEULEbanonActionPlan.pdf>

relevant UN CRC and consider revising existing legislation taking into account the recommendations of the relevant UN Committee.<sup>606</sup>

The United States (USAID) is one of the major bilateral donors in the region. The United Kingdom (DFID) has a Middle East Regional Action Plan that supports a number of development activities. Japan (JICA), Canada (CIDA), Sweden (SIDA) and Germany (GTZ) are also all active in the region. However, in general, there is little information on international funding that is specifically targeting children's rights.<sup>607</sup>

Regional funding bodies include the Gulf Programme for United Nations Development Organisations (AGFUND), which was established in 1980 at the initiative of its current president, Prince Talal Bin Abdul Aziz Al Saud. AGFUND finances United Nations development projects worldwide. As of early 2008, it had granted support and funding to 1,179 projects implemented in cooperation with and participation of 20 UN, international and regional organisations, as well as 167 NGO's and governmental institutions in 131 developing countries, amounting to a total of over US\$ 280 million.<sup>608</sup> It contributes to the funding of programmes in the sector of health and education, targeting disadvantaged women and children, and provides institutional capacity building of organisations. It has actively contributed to the establishment of the Arab Council for Arab Childhood, the Arab Woman Centre for Training and Research. The AGFUND has also supported projects such as the Pan Arab Project for Child Development (PAPCHILD), early child development, study of family health in the Gulf region, and the Pan-Arab Project for Family Health (PAPFAM).<sup>609</sup>

### **3.3 The Save the Children Alliance and other INGOS**

Save the Children is the world's largest independent organisation for children, working on emergency relief, development programmes and advocacy programmes in over 120 countries. Save the Children' mission fights for children's rights and deliver immediate and lasting improvements to children's lives worldwide, and its vision is to work for a world which respects and values each child, a world which listens to children and learns, a world where all children have hope and opportunity. International Save the Children Alliance has 29 member organisations. In the Middle East and North Africa region, Save the Children Denmark, Italy, Japan, Norway, Sweden, United Kingdom and United States of America are actively engaged in child rights programmes.

Save the Children Sweden (SCS) are running a wide range of programs and interventions focusing on 4 thematic areas: education (right to quality education and access to education), protection (right to protection from violence, abuse, discrimination, neglect), emergencies and civil society. On Education SCS are running education programs in oPt, Lebanon and Yemen (in Yemen part of the projects are in partnership with Save the Children US {SCUS}). These programs cover access to education and focus on girls, children with disabilities, refugees, children living in rural and poverty stricken areas. Also some of these programs focus on quality of education and creating children friendly school environments such as in oPt and Yemen. On Protection SCS, through local partners, are working with duty bearers in Lebanon and Yemen on protection laws and implementation of

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<sup>606</sup> The EU-Egypt Action Plan is available at: [http://ec.europa.eu/world/enp/pdf/action\\_plans/egypt\\_enp\\_ap\\_final\\_en.pdf](http://ec.europa.eu/world/enp/pdf/action_plans/egypt_enp_ap_final_en.pdf)

<sup>607</sup> A. Hauzar, E. Eidarous and A. Al Kassir, *Op. Cit*

<sup>608</sup> Information extracted from the AGFUND website, <http://www.agfund.org/english/about.htm>

<sup>609</sup> Mohammed Abdo Azzageer, 2005, *Op. Cit*

these laws. In oPt SCS are supporting partners in defending and rehabilitating children detained by the Israeli army. On Emergencies, SCS are working (through protection and education programs) to support Palestinian refugees in general and in Nahr el Bared (Lebanon) in particular, Iraqi refugee children in Lebanon and Syria, and Somali refugees in Yemen. Also, SCS works with SCUS and Save the Children UK (SCUK) in responding to the ongoing emergency in the oPt and in particular in the Gaza Strip. Finally, SCS is working in all of the countries of the MENA region in strengthening the capacities of local civil society organisations working for child rights in becoming stronger advocates of child rights guaranteed by the UNCRC. In Egypt, Jordan, Lebanon, and the OPT, SCUS runs a wide range of programmes, including health, education, early childhood, emergency relief, protection and economic opportunities programmes. SC UK is running programmes in Iraq, Lebanon, Egypt, Morocco, and the oPt, focusing on inclusive education and child protection programmes.

In the African region, Save the Children Sweden has been supporting the African Committee on the Rights and Welfare of the Child since its inception in 2001.<sup>610</sup> Save the Children Sweden has stated its commitment to work with other partners to profile the work of the Committee and maintain its visibility as well as lobby for more resources for the Committee.<sup>611</sup> It was also part of Technical Taskforce overseeing the setting up of the Second Pan-African Forum on Children, and has supported ENDA Tiers Monde (Senegal) to lead the African Movement of Working Children and Youth (AMWCY). In the Middle East, along with Save the Children Denmark, it has supported the Arab Resource Collective (ARC) to organise regional workshops on the UN CRC and reporting procedures.

Other child-focused international NGOs working in the region include Terre des Hommes (TdH), Plan International (PI) and End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT). The TdH International Federation is a network of eleven national organisations working for the rights of children and promoting equitable development without discrimination. TdH works in Algeria, where it focuses on child protection issues, particularly prevention of child abandonment and infant ill-treatment. It also works in Western Sahara, Morocco, Egypt, Iraq, Lebanon and the Occupied Palestinian Territories, and has a national office in Syria. It is active at the global level to increase standards of child protection, focusing on child soldiers and child trafficking. Plan International's vision is of a world in which all children realise their full potential in societies that respect people's rights and dignity. It works in 49 developing countries across Africa, Asia and the Americas, and runs campaigns on birth registration and prevention of violence against children. In the Middle East and North African region, Plan International only works in Egypt, where it runs health, community-based rehabilitation, housing, education and livelihoods programmes. ECPAT campaigns against the commercial sexual exploitation of children, focusing on the protection of trafficked children and children exploited in tourism. The organisation is engaged in campaigning work, in monitoring and research, training, networking and policy development and advocating for legal reforms. In the Middle East region, ECPAT international, with the financial support of SIDA, has published Global Monitoring Reports, providing a baseline of information on actions taken and remaining gaps for addressing Commercial Sexual Exploitation of children in countries such as

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<sup>610</sup> "Concept Note", Second Pan-African Forum on Children, 29 October – 2 November 2007, Cairo Egypt, African Union

<sup>611</sup> "Report on the Eighth Meeting of the African Committee of Experts on the Rights and Welfare of the Child", African Union, 27 November– 1 December 2006, Ethiopia

Egypt and Jordan, based on international mechanisms such as the CRC and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Humanitarian organisations such as the International Committee of the Red Cross (ICRC) also play a key role in ensuring humanitarian protection and assistance for victims of war and armed violence, including children. ICRC runs programmes to promote international humanitarian law among the armed forces, police and armed groups also cover the question of children, and one of the aims of their work in the field is to provide the protection that international humanitarian law guarantees to children. Iraq is its biggest humanitarian operation worldwide, with increased emergency assistance for the civilian population affected by the conflict. The ICRC also works in Lebanon, OPT and Sudan.

**Table 15: Status of Ratification of the Convention on the Rights of the Child**

Country	Date of Signature	Ratification Date of receipt of instrument by the UN	Entry into force	Reservations and Interpretative Declarations
Algeria	26.01.1990	16.04.1993	16.05.1993	Reservations on Article 14 paragraphs 1 and 2 (children's freedom of conscience and religion), and Declarations on Article 13 (freedom of expression), Article 16 (right to privacy) and Article 17 (access to information).
Bahrain		13.02.1992	14.03.1992	No information
Egypt	05.02.1990	06.07.1990	02.09.1990	On 31 July 2003, Egypt informed the Secretary-General that it had decided to withdraw its reservation made upon signature and confirmed upon ratification in respect of articles 20 and 21 in relation to foster care for children and adoption procedures
Iraq	---	15.06.1994	14.07.1994	Reservation on Paragraph 1 of Article 14 (concerning children's freedom of conscience and religion)
Jordan	29.08.1990	24.05.1990	23.06.1991	Reservations on articles 14, 20 and 21, which grant the child the right to

				freedom of choice of religion and concern the question of adoption, since they are at variance with the precepts of the tolerant Islamic Shariah.
Kuwait	07.06.1990	21.10.1991	20.11.1991	General reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shari'a and the local statutes in effect, and declarations on Articles 7 (in compliance with the Kuwaiti Nationality Laws) and 21 (the State does not approve of adoption).
Libya	---	15.04.1993	15.05.1993	No reservations
Morocco	26.01.1990	21.06.1993	21.07.1993	Interpretative declaration of Article 14, Paragraph 1
<b>Country</b>	<b>Date of Signature</b>	<b>Ratification Date of receipt of instrument by the UN</b>	<b>Entry into force</b>	<b>Reservations and Interpretative Declarations</b>
Oman	---	09.12.1996	08.01.1997	A reservation is entered to all the provisions that do not accord with Islamic law or the legislation in force in the Sultanate and, in particular, to the provisions relating to adoption (article 21). Interpretative declarations and/ or reservations to articles 7, 14, 19 and 30. Oman also declared that the provisions of the CRC should be applied within the limits imposed by material resources available.
Qatar	08.12.1992	03.04.1995	03.05.1995	General reservation by the State of Qatar concerning provisions incompatible with Islamic Law
Saudi Arabia		26.01.1996	25.02.1996	General reservation with respect to all such articles as are in conflict with the provisions of Islamic law
Syria	18.09.1990	15.07.1991	14.08.1993	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'.
Tunisia	26.02.1990	13.02.1992	29.01.1992	Reservations and declarations on articles 2, 6, 7 and 40. On 1 March 2002, the Government of Tunisia informed the UN Secretary General that it had decided to withdraw its reservation with regard to article 40, paragraph (b) (v) and its interpretative declaration.
United Arab Emirates	-----	03.01.1997	02.02.1997	Reservations on Articles 7, 14, 17 and 21. The country has expressed its intentions to withdraw reservations to two of its five reservations on articles of the CRC

**Table 16: CRC Reporting Status by Country**

Country	Report Due	Report Submitted
Algeria	15.05.1995	16.11.1995
	15.05.2000	16.12.2003
	15.05.2010	
Bahrain	12.03.1994	03.08.2000
	12.03.1999	
Egypt	01.09.1992	23.10.1992
	01.09.1997	18.09.1998
	01.09.2002	
Iraq	14.07.1996	06.08.1996
	14.07.2001	
Jordan	22.06.1993	25.05.1993



	22.06.1998	05.08.1998
	22.06.2003	11.07.2005
	22.12.2011	
Kuwait	19.11.1993	23.08.1996
	19.11.1998	
Libya	14.05.1995	23.05.1996
	14.05.2000	08.08.2000
	14.11.2008	
Morocco	20.07.1995	27.07.1995
	20.07.2000	04.09.2000
	20.01.2009	
Country	Report Due	Report Submitted
Oman	01.04.1999	05.07.1999
	01.04.2004	28.04.2005
	07.07.2012	
Qatar	02.05.1997	29.10.1999
	02.05.2002	10.01.2008
Saudi Arabia	24.02.1998	15.10.1998
	24.02.2003	12.11.2003
	24.08.2011	
Syria	13.08.1995	22.09.1995
	13.08.2000	15.08.2000
	13.02.2009	
Tunisia*		

United Arab Emirates	07.03.1999	15.04.2000
	07.03.2004	

**Sources:** UN Office of the High Commissioner on Human Rights website,  
<http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

**Notes:** \* Information on status of initial and second periodic reports is not available on the website

## Part 2: Regional Analysis on the Right to Protection

### 1. Legislative Reforms

All the states in the Middle East and North Africa (MENA) region have ratified the United Nations Convention on the Rights of the Child (CRC).<sup>612</sup> A number of countries have made interpretative declarations or reservations on Articles 20 and 21 in relation to foster care for children and adoption, and reservation to Article 14 relating to freedom of religion. Kuwait, Saudi Arabia and Qatar have expressed general reservations with reservation with respect to all such articles as are in conflict with the provisions of Islamic law. With the exception of Iraq, Saudi Arabia and the United Arab Emirates, MENA countries have also acceded to the Optional Protocols of the CRC on the Involvement of Children in Armed Conflicts and on the Sale of Children, Child Prostitution and Pornography.<sup>613</sup> None of the MENA countries have expressed reservations to reduce obligations to protect children from all forms of violence.

Seven countries in the region – Algeria, Bahrain, Jordan, Libya, Occupied Palestinian Territory (OPT), Syria and the United Arab Emirates – have also ratified the Arab Charter on Human Rights,

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<sup>612</sup> The Occupied Palestinian Territory is not party to the CRC - the Palestinian Authority is not a state and therefore cannot sign or ratify the CRC. This section covers Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, and the United Arab Emirates.

<sup>613</sup> Egypt claims it acceded to the Optional Protocol on the Involvement of Children in Armed Conflict, but there is no record in the UN Human Rights database.

which includes specific articles protecting children from abuse, exploitation, and involvement in armed conflicts and violence.

Following the ratification of the CRC, MENA countries have enacted or propose to enact laws to protect children from violence, abuse, neglect or exploitation. A number of countries have put in place comprehensive Child Laws that bring together legal provisions for the protection of the child. For example, Tunisia has adopted the Child Protection Code, Egypt is waiting for the Parliament to approve amendments to the 1996 Child Law, and Algeria has introduced a Bill on Child Protection which aims to establish a mechanism for protecting children against all forms of violence, ill-treatment, abuse and negligence.

In countries where no comprehensive child law has been introduced, specific laws have been adopted or amended to better promote child protection. In Jordan where the Parliament has yet to approve the 2004 Child Bills Act, amendments were introduced to Juvenile Act N. 24 of 1968 to guarantee protection and care for children who are exposed to abuse by one or both parents<sup>614</sup>, while Juvenile Act No. 11 mandates judges the right to inspect juvenile centres affiliated with the Ministry of Social Development every three months.<sup>615</sup> Oman is also in the processing of preparing draft Juvenile Law, which will increase the minimum age for criminal responsibility for nine to 14 years of age.<sup>616</sup>

While welcoming these legislative reforms, the Committee on the Rights of the Child has consistently recommended MENA 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 principles and provisions of the CRC, through enacting new legislations and or amending existing ones.<sup>617</sup> Moreover, further research is necessary to evaluate the extent to which new or amended laws are enforced and programmes are implemented, in order to better assess gaps between policies and practices at the national and local levels.

In addition, despite progress in the legislative and programmatic fronts – with many of the governments of MENA countries working with civil society groups, international NGOs, regional bodies, donors and United Nations agencies to better protect children – child protection remains a serious issue every country of the region. The nature and extent of child protection issues varies country to country, and includes issues such as violence against children – whether at homes, schools or institutional settings – harmful practices, particularly female genital mutilation and early marriage, juvenile justice, exploitative child labour and birth registration.<sup>618</sup> Children in Algeria, Iraq and the Occupied Palestinian Territories have been exposed to political violence and conflicts, and in Western Sahara have been affected by the deteriorating humanitarian situation.

## **2. Violence against Children**

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<sup>614</sup> “Jordan Third Periodic Report”, Committee on the Rights of the Child, CRC/C/JOR/3, 2 March 2006

<sup>615</sup> “NGOs Supplementary Report on the 3<sup>rd</sup> Jordanian Official Report on CRC”, National Center for Human Rights, Jordan, March 2006

<sup>616</sup> “At a Glance – Oman, the Big Picture”, UNICEF website, <http://www.unicef.org/infobycountry/oman.html>

<sup>617</sup> For example, see Concluding Observations for Oman, Saudi Arabia and Syria.

<sup>618</sup> “Birth Registration” Child Protection Information Sheet, UNICEF, May 2006

The 2005 Regional Consultation, which was organised to contribute to the United Nations Secretary-General's Study on Violence against Children, highlighted that violence against children constitutes a problem throughout the MENA region and takes many forms.<sup>619</sup> To almost all states in the region, the Committee on the Rights of the Child has recommended legislative reforms to better prohibit all forms of violence against children, including corporal punishment within the family and in alternative care settings.<sup>620</sup>

While there is general recognition that violence and abuse against children occurs at home, at work, in schools, and in institutional settings, none of the countries have comprehensive data and information on its prevalence and nature. In many of the countries, the Committee on the Rights of the Child has expressed its concerns about the lack of sufficient information about child abuse and ill-treatment, and UNICEF is working with national governments to put in place comprehensive data collection and monitoring systems. Efforts by the governments of the region have shown an increasing willingness to discuss issues such as violence and child abuse – Oman and Saudi Arabia have organised a national workshop on child abuse and neglect, Syria has held high level conferences on violence against children, paving the way for a national plan of action.

All the countries under review have taken legislative steps to address violence against children. Tunisia's Child Protection Code is one of the most comprehensive in the region – it shields children from violence, neglect and abuse through the establishment of child protection mechanisms, namely, through the establishment of a body of “delegates for childhood protection” able to investigate and intervene on behalf of children in difficult situations which may threaten the security and development of the children. Qatar has also facilitated the establishment of foundations which run national hotlines, provide face to face counseling services, and liaise with the police, the courts and the Ministry of Interior.<sup>621</sup>

However, as adolescents and children who participated in the regional consultation indicated, even where laws and policies against violence exist, the means of enforcing them are weak. Very few countries have effective and comprehensive national systems for the detection, reporting, referral and intervention for children victims of abuse, especially domestic abuse. The consultation also confirmed that in general, most violence – especially sexual violence and abuse – against children remains hidden away inside the family circle or in the confines of the school. Laws in some of the countries also make reporting by children difficult. For example, under the Jordanian penal code, complaints from a child can only be accepted if they are supported by the parents or guardian.<sup>622</sup>

## **2.1 Commercial sexual exploitation**

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<sup>619</sup> “Violence against Children – Regional Consultation Middle East and North Africa”, United Nations Secretary-General's Study on Violence against Children

<sup>620</sup> For more information on corporal punishment, see “Ending legalised violence against children”, Report for Middle East & North Africa Regional Consultation – the UN Secretary General's Study on Violence against Children, Global Initiative to End All Corporal Punishment against Children, 2005, Cairo, Egypt 2005

<sup>621</sup> “Report of the Special Rapporteur on trafficking in persons, especially women and children”, Sigma Huda, Mission to Bahrain, Oman and Qatar, Human Rights Council, A/HRC/4/23/Add.2, 25 April 2007

<sup>622</sup> “Commercial Sexual Exploitation of Children: MENA Region”, Second World Congress Against Commercial and Sexual Exploitation, UNICEF, 24-26 October 2001

While the majority of MENA countries have also acceded to the Optional Protocol of the CRC on the Sale of Children, Child Prostitution and Pornography, commercial sexual exploitation of children is still regarded as an issue of ‘considerable delicacy’ in the Middle East, reports ECPAT International.<sup>623</sup> Governments of the region have participated in two conferences on sexual exploitation, the first in October 2001 and the second in December 2004, indicating an increasing willingness to confront the issue.<sup>624</sup> Countries such as Morocco and Algeria have also amended the Penal Code to better protect children from trafficking, prostitution and pornography. However, generally, National Plans of Action to address this issue have not been developed, and commercial sexual exploitation remains a sensitive issue not openly discussed or seriously addressed at the community or national level.

National statistics on the extent and nature of commercial sexual exploitation are often inadequate. It is generally recognized nevertheless that the many of the countries are transit and destination states for child victims of trafficking, and that a large percentage of street children and domestic workers are at risk of commercial sexual exploitation – in Egypt, some estimate that up to 80 per cent of children living on the streets have been sexually exploited.<sup>625</sup>

## 2.2 Corporal Punishment

The majority of countries ban corporal punishment at school. However, it is still practiced in most countries. For example, in spite of the ban on corporal punishment at schools in Oman, a qualitative study by UNICEF and the Ministry of Social Development showed that some teachers might resort to corporal punishment as a disciplinary measure. In addition, in many of the countries corporal punishment is lawful in the home and in alternative settings. This is the case for example in Libya. Similarly, Syria protects children from “ill-treatment”; however, corporal punishment within the home is lawful if “within limits”. The Jordanian Penal Code also specifies that corporal punishment can be used by parents or guardians for disciplining their children “within limits”. In Kuwait, 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 disciplining.<sup>626</sup>

**Table 17: Legal Status of Corporal Punishment by Country**

Country	Prohibited in the Home	Prohibited in School	Prohibited in Penal Systems as Sentence	Prohibited in Penal Systems as Disciplinary Measure	Prohibited in Alternative Settings
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<sup>623</sup> “Five Years After Stockholm”, ECPAT International, 2001, Thailand. **ECPAT** is a network of organizations and individuals working together to eliminate the commercial sexual exploitation of children. Established in 1990. The acronym stands for *End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes*. ECPAT has Special Consultative Status with the Economic and Social Council of the United Nations (ECOSOC).

<sup>624</sup> “Investing in the Children of the Islamic World”, UNICEF, 2005

<sup>625</sup> “Making Children’s Rights Work in North Africa: Country Profiles on Algeria, Egypt, Libya, Morocco and Tunisia”, International Bureau for Children’s Rights, August 2007, Canada

<sup>626</sup> “Ending legalised violence against children: report for the Middle East and North Africa regional consultation”, Global Initiative to End All Corporal Punishment of Children, 2005

Algeria	No	Yes	Yes	No information	No
Bahrain	No	Yes	Yes	No information	No information
Egypt	No	Yes	Yes	Yes	No
Iraq	No	Yes	Yes	No Information	No information
Jordan	No	Yes	Yes	Yes	No information
Kuwait	No	Yes	Yes	No	No information
Lebanon	No	No	Yes	Yes	No information
Libya	No	Yes	No	No information	No information
Morocco	No	No	Yes	Yes	No
Oman	No	Yes	No information	No	No
Palestine	No	No	Yes	No	No
Qatar	No	No	No	No	No
Saudi Arabia	No	No	No	No	No
Syria	No	No	Yes	No information	No
Tunisia	No	No	Yes	Yes	No
UAE	No	Yes	No	No	No
Yemen	No	Yes	No	No	No

**Sources:** *Middle East and North Africa: summary of legal status of corporal punishment of children*  
Prepared by the Global Initiative to End All Corporal Punishment of Children  
([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)), June 2007

### 3. Traditional Harmful Practices

#### 3.1 Female Genital Mutilation

UNICEF has noted that the Arab world has yet to make decisive moves in the eradication of the practice of female genital mutilation (FGM), a practice that jeopardizes the health, safety and development of girls.<sup>627</sup> A recent survey showed that 97 per cent of Egyptian women of reproductive age have been subjected to the practice, while 8 out of 10 mothers had either circumcised their daughters or intended to have a daughter circumcised in the future.<sup>628</sup> Prevalence rates are estimated to be 23 per cent in Yemen, and there are also reports, but no clear evidence, of this practice in southern Jordan, Gaza, Oman and Iraq.<sup>629</sup> A 2005 survey by WADI, a German NGO, had found that 60 per cent of women and girls aged older than 10 had undergone the operation in Kurdish areas of Iraq.<sup>630</sup>

Advocacy efforts to criminalise FGM are being led by women's organisations in the region. Women's organisations in Kurdish Regional Government have been advocating for legislation that will

<sup>627</sup> "FGM still largely an unknown quantity in Arab world", IRIN, <http://www.irinnews.org/InDepthMain.aspx?InDepthId=15&ReportId=62474&Country=Yes>

<sup>628</sup> "Female genital mutilation: issues and impact", UNICEF, [http://www.unicef.org/egypt/protection\\_148.html](http://www.unicef.org/egypt/protection_148.html)

<sup>629</sup> "State of the World's Children 2007 – Middle East and North Africa edition", UNICEF, 2007

<sup>630</sup> "Iraqi Kurdistan: Draft for a Law Prohibiting Female Genital Mutilation is submitted to the Kurdish Regional Parliament", Stop FGM in Kurdistan, 23 November 2007, Suleymaniya/Berlin, <http://www.stopfgmkurdistan.org/en/press2.htm>

criminalise FGM and a draft Law prohibiting FGM has been submitted to the Kurdish Regional Parliament. In Egypt, the amendments to 1996 Child Law condemn this practice, which has persisted despite Decrees by the Ministry of Health, while in Yemen, a January 2001 Ministerial Decree banning FGM, combined with awareness efforts by civil society groups, have reportedly reduced incidences of FGM.

### 3.2 Honour Killings

In its annual report, Amnesty International confirmed that ‘Honour killings persisted in Jordan, occupied Palestinian territories, Iraq, Syria and other states in which the perpetrators benefited from laws that belittled their crimes’.<sup>631</sup> According to UNICEF, available data indicate that honour killings also occur in Egypt, Lebanon, Morocco, and Yemen – in 1999, Jordan’s Family Protection Department dealt with 507 cases of family violence, of which 38 per cent were crimes of honour; in the Occupied Palestinian Territory, 20 honour killings and 15 attempts were recorded between March 2004 and March 2005.<sup>632</sup>

Perpetrators of honour killings are often unpunished, and when cases are brought to court, tend to receive lenient sentences. In Jordan, civil society organisations have raised concerns about Article 97 of the Penal Code, which allows the guardian of an abused child to drop charges against perpetrators, and articles 340, 98 and 99, which accords lenience to “honour” crimes, with sentences not severe enough to have a deterring effect.<sup>633</sup> UNICEF reports that in Syria, women themselves were found to be responsible for the defendants’ actions in 55 per cent of cases where husbands killed their wives for adultery.<sup>634</sup> Civil society groups across the region are advocating for legislative environment that better protects women and girls.

### 3.3 Early Marriage

Available data suggests that early marriage is also common practice throughout the region, even in countries which have set the legal age for marriage at above 18.<sup>635</sup> In Morocco, for example, early marriage also remains an issue especially in rural areas, with UNICEF reporting in 2004 that 16 per cent of all marriages were child marriages.<sup>636</sup> While the Family Code established the minimum age of marriage for women and men at 18 years, judges are still allowed to authorise marriages before that age, including to girls as young as 13, without any mandatory legal conditions having been fulfilled.<sup>637</sup>

In most countries, the legal age of marriage for girls tends to be lower than for boys. In Kuwait, the minimum legal age for marriage remains 15 for girls and 17 for boys, despite the recommendation of the Committee on the Rights of the Child to increase legal age for girls. Within some rural tribal groups, marriage of girls younger than also continue to persist.<sup>638</sup> In Bahrain, there is no defined

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<sup>631</sup> Amnesty International Report 2007 – The State of the World’ Human Rights’, Amnesty International,

<sup>632</sup> UNICEF, 2007, Op. Cit

<sup>633</sup> “Making Children’s Rights Work: Country Profile on Jordan”, International Bureau for Children’s Rights, 2007

<sup>634</sup> UNICEF, 2007, Op. Cit

<sup>635</sup> See attached table for information on legal age for marriage per country.

<sup>636</sup> “At a Glance: Morocco”, UNICEF, <http://www.unicef.org/infobycountry/morocco.html>

<sup>637</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women: Morocco”, Committee on the Elimination of Discrimination against Women, CEDAW/C/MAR/CO/4, 1 February 2008

<sup>638</sup> “Kuwait – 2004 Country Report on Human Rights Practices”, US State Department, 2005

minimum age for marriage, while in Qatar and Saudi Arabia the minimum age marriage is unclear under the law.<sup>639</sup>

Early marriage stifles the development of girls and often resulting in early pregnancy, constrained decision-making and reduced life choices. In the occupied Palestinian territories, for example, it is estimated that one in every 10 girls or women between the ages of 15 and 19 gives birth every year, while in Syria nearly 3 per cent of women polled had become pregnant before the age of 15, and 30 per cent between 15 and 19.<sup>640</sup>

#### **4. Child Labour**

Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Syria, United Arab Emirates and Yemen have ratified International Labour Organisation (ILO) conventions N. 138 and 182 on the minimum age for admission to employment and on the elimination of the worst forms of child labour, respectively. Bahrain and Saudi Arabia have ratified convention ILO Convention N. 182.

All the countries have put in place laws to regulate the employment of children, however enforcement remains challenging. In Egypt, the existing Child Law prohibits employment of children under the age of 14, whereas in reality, it is estimated that some 2.4 million children under 14 work full-time, part-time or on seasonal basis.<sup>641</sup> In addition, articles related to employment of children above 14, including banning of employment in hazardous settings, and regulations on working hours are not enforced, due to limited capacity and resources of the Ministry of Labour.

Following the recommendations of the Committee on the Rights of the Child, Syria increased in 2000 the minimum age of admission to 15 years, and the labour law penalises employers and minor's parents who allow work or overlook the recruitment of their children. However, despite legislative reforms, approximately 7 per cent of children under 14 continue to be employed as workers. In Morocco, the law protects children from economic exploitation and prohibits forced or compulsory labour. Legal sanctions, against employers who recruit children under the age of 15, range from \$2,800 to \$3,300.<sup>642</sup> However, enforcement remains weak - Morocco has one of the highest rates of child labour in the region, combined with one of the lowest rates of school attendance.

The Gulf countries have also put in place laws to ban the participation of children – often victims of trafficking – in camel racing, long a thorny issue for the governments. Qatar for example promulgated Law No. 22 of 23 May 2005 on Banning the Employment, Training and Participation of Children in Camel Racing, and penalties for violating this law are 3 to 10 years' imprisonment and a fine of 50,000 to 200,000 Riyals.<sup>643</sup> In January 2008, the Shura Council in Bahrain approved a new law to combat trafficking – the issue of minors, particularly young girls from Southeast Asia coming

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<sup>639</sup> “Concluding Observations of the Committee on the Rights of the Child: Bahrain”, Committee on the Rights of the Child, Consideration of Reports submitted by state parties under article 44 of the Convention, CRC/C/15/Add 175, 7 February 2002

<sup>640</sup> UNICEF, Op. Cit

<sup>641</sup> Figures from the National Council on Childhood and Motherhood, quoted in “A Rights-Based Analysis of Child Protection in Egypt”: Community and Institutional Development, Save the Children UK, Egypt, November 2007

<sup>642</sup> “Morocco – 2006 Country Report Human Practices”, US State Department, March 6, 2007

<sup>643</sup> Report of the Special Rapporteur, Op.Cit



to work as domestic workers.<sup>644</sup> However, there are still reports of underage girls being trafficked into Gulf countries, for example, Saudi Arabia, for sexual and other exploitative purposes, such as forced begging, despite the fact that domestic legislation prohibits the sale and trafficking of children. Officials at Yemen's Ministry of Social Affairs and Labour say child smuggling into Saudi Arabia is still going on, especially in the northern province of Hajja.<sup>645</sup>

However, generally, the labour law in MENA countries excludes children in the informal sector, for example, in agriculture and domestic service, where child labour tends to be concentrated, and where abuse tends to be rampant. Child domestic workers, in particular, are often victims of sexual and economic exploitation. However, labour inspectors, for example in Morocco and Egypt, are not empowered to enter private homes to investigate violations. A 2005 Human Rights Watch indicated that child domestics in Morocco describe frequent physical and verbal abuse, denial of education and of adequate food and medical care, and sexual harassment by employers or their relatives. Some domestics said that employers forced them to work against their will by beating them, locking them indoors, or refusing to pay those who wanted to quit.<sup>646</sup>

## Part 3: Regional Analysis on the Right to Education

### **1. Legal Framework**

Free basic education is guaranteed by law in all the countries of the Middle East and North African (MENA) region. The Moroccan constitution for example, provides for compulsory, free, and universal education for children between the ages of 6 and 15, while in Algeria, all children aged 6 to 16 years, including non-national children, are entitled to compulsory and free education without any discrimination. In Bahrain, the state provides students with school books free of charge, and meets the costs of transporting the students to and from their schools and provides them with health care and social and educational counselling. However, in countries such as Egypt, families incur some indirect costs, which may include school supplies, transport and Ministry of Education user charges, as well as costs related to private tutoring.

Basic education is compulsory in all of the countries, except for Oman. A number of countries have enacted penalties for guardians who do not enroll children of compulsory school age. Article 21 of the Tunisian Law n° 91-65 of 29th July 1991 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

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<sup>644</sup> "Bahrain: New Trafficking Law Passed", Child Rights Information Network, 7 January 2007, available at <http://crin.org/resources/infoDetail.asp?ID=16100&flag=news>

<sup>645</sup> "Moves to Tackle Child Smuggling to Saudi Arabia", IRIN News, 28 January 2008, Sana'a, Yemen, available at <http://crin.org/resources/infoDetail.asp?ID=16263&flag=news>

<sup>646</sup> "Inside the Home, Outside the Law: Abuse of Child Domestic Workers in Morocco", Human Rights Watch, December 2005

to a fine of up to 400 Dinars (equivalent to US \$340)<sup>647</sup>. In Bahrain, the Education Act of 2005 imposes fines on guardians of children who fail to go to school, while in Libya, Article 12 of Act of 1975 states that ‘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 loans; furthermore, any license which he or she may hold will be revoked or will not be renewed’.<sup>648</sup> However, compulsory education is generally not enforced across the region, and there are few effective measures to prevent student absences.

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 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, recognises that ‘every child shall have the right to an 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 is limited to child citizens.<sup>649</sup>

**Table 18: Compulsory Free Education Across the MENA Region**

<b>Algeria</b>	<b>Article 4 of the Ordinance of 16 April 1976 stipulates that "every Algerian citizen has the right to education and training. This right is ensured by the general provision of basic education". Article 5 states that "education is compulsory for all children aged between 6 and 16 years". Article 7 lays down that "education is free of charge at all levels, regardless of the type of establishment attended".</b>
<b>Bahrain</b>	<b>Education is free for all children (Bahrainis and non-Bahrainis) between 6 and 17. Education Act of 2005 made education compulsory for all children, including non-citizens, ages 6 to 15, and imposes fines for non-attendance.</b>
<b>Egypt</b>	<b>Article 18 of the 1971 Constitution has defined education as a right guaranteed by the state and the 1981 law stipulated that education should be free; the subsequent legal reform in 1999 defined nine years of basic education as the right of all children. However, 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.</b>
<b>Iraq</b>	<b>Basic education has been compulsory and free of charge since 1976. The new</b>

<sup>647</sup> Exchange rate of June 2008

<sup>648</sup> For more information see <http://www.right-to-education.org/>

<sup>649</sup> “Arab rights charter deviates from international standards, says UN official” UN News Centre, UN News Service, 30 January 2008, <http://www.un.org/apps/news/story.asp?NewsID=25447&Cr=human&Cr1=rights>

	constitution guarantees the right 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.
Jordan	According to the Constitution, the State undertakes to provide education 'within the limits of its resources'. Education Act (law No. 3 of 1994) guarantees all children access to education, with free and compulsory education up to the age of 16. Under the Education Act, there are no penalties for guardians who do not send their children to school.
Kuwait	Education is a right for Kuwaitis, guaranteed by the State in accordance with law. Education in its preliminary stages is compulsory and free in accordance with the law. In practice, education is free Kuwaiti citizens through to university level, including free food, clothing, books, stationery, and transportation. The government also provides free kindergartens for Kuwaiti children between the ages of four and six.
Lebanon	Act No. 686, promulgated on 16 March 1998, stipulates that "Education shall be free and compulsory in the initial primary stage and is a right of every Lebanese person of primary school age. The conditions for such free compulsory education shall be determined by a decree adopted by the Council of Ministers, as shall its regulation".
Libya	The Education Act No. 134 of 1970 stipulates that education should be available to everyone, without distinction of race, colour, gender or other factors. Article 1 of Act No. 95 of 1975 states "Primary and intermediate education is compulsory for all children, boys and girls alike {starting from age of 6}. The Act imposes severe penalties, including denial of access to government aid and bank loans, for guardians of children who do not enroll their children.
Morocco	Article 13 of the Constitution provides for compulsory, free, and universal education. The Constitution 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.
Oman	Right to education is enshrined in the Constitution. Primary education is not compulsory. The Ministry of Education is continuing the effort to make education available to all school-age children from 6 to 18 years of age.
Qatar	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 endeavor to realize the implementation of compulsory general education, free of charge at all levels".
Saudi Arabia	Article 30 of the constitution states "The State makes education available". Primary education is compulsory for all children and free of all direct and indirect costs based on the seventh five-year development plan (2000-2005). Pre-school was made a basic stage of general education by Royal Approval No. 7/B/5388 of 15 May 2002.
Syria	Education is free of charge at all stages and compulsory at the primary stage, for children aged between 6 and 12 years, as stipulated by Article 2 of the Compulsory Education Act. In its 2002 Periodic Report, Syria claimed that approval has been granted to extend the period of compulsory education to 16

	full years.
Tunisia	Law n° 91-65 of 29th July 1991 stipulates that “the State guarantees the right to free education to all those of school age.” The law also institutes a “preparatory year for children aged from 5 to 6 years” (Article 17) and gives the State the responsibility for pre-school education. 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.
United Arab Emirates	All children at (pre-university) school age, regardless of their nationality, gender or religion, are entitled to enroll at government schools. Education is free of charge and the schools provide the requisite books and stationery at nominal prices. The official age for enrolment at primary schools is 5.9 to 6 years and the primary stage of education lasts for six years.
Yemen	The Republic of Yemen applies the principle of equal opportunities in regard to education, which is free and compulsory. Article 32 of the Constitution stipulates that the State, together with society, must contribute to the provision of education, which is a prerequisite for social development and progress. Article 53 further stipulates that all citizens have a right to education which the State must safeguard, in accordance with the law, by establishing various educational institutions and making basic education free.

**Sources:** Algeria - CRC/C/28/Add. 4 23 February 1996, Bahrain, “Bahrain - 2007 Country Report on Human Rights Practices”, US Department of State, 11 March 2008, Egypt - “Failing Our Children: Barriers to the Right to Education”, Human Rights Watch, 2005, Jordan - CRC/C/70/Add.4, Kuwait - CRC/C/8/Add, Lebanon, Qatar and Yemen, <http://www.right-to-education.org/>, Morocco - E/1994/104/Add.2917, Saudi Arabia – CRC/C/SAU/CO2, Syria - CRC/C/93/Add.2, Tunisia - “Consolidated Periodic Report of Tunisia, African Charter of Human and People’s Rights, 1995-2006”, Tunisian Republic, 2006, UAE - CRC/C/78/Add.2

## 2. Resources allocated to education

The MENA countries have committed more resources to education and are spending more public expenditure per pupil at all levels of educations than other developing countries at a similar level of per capita income. The World Bank reports that in the period 1965–2003, MENA governments spent an average of 5 per cent of their Gross Domestic Product (GDP) on education, whereas East Asian and Latin American countries spent closer to 3 per cent.<sup>650</sup> However, most of the MENA countries are spending more per pupil in secondary than primary education and, to a greater extent in tertiary than secondary education. This pattern of resource allocation favours children in families of higher income group, who are likely to send their children to university, notes the World Bank.

**Table 19: Average of Public Expenditure in Education as a Percentage of GDP, 1965–2003**

	1965–74	1975–84	1985–94	1995–2003
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<sup>650</sup> Data includes Iran and Djibouti. “The Road Not Traveled: Education Reform in the Middle East and North Africa”, MENA Development Report, World Bank, 2008, Washington DC

Algeria	6.2	6.1	7.2	6.1
Bahrain		3.3	4.1	3.6
Egypt	4.7	5.4	4.8	5.6
Iraq		4.4	4.4	
Jordan	3.2	5.2	6.1	6.4
Kuwait		4.1	7.1	6.3
Lebanon			2.0	2.9
Libya		5.2	8.4	
Morocco	3.4	6.3	5.6	5.9
Occupied Palestinian Territories				9.5
Oman		2.1	3.6	3.9
Qatar		3.6	4.0	
Saudi Arabia	3.6	6.7	7.2	6.3
Syria	3.3	5.4	4.3	3.2
Tunisia	6.2	5.2	5.9	6.8
United Arab Emirates		1.3	2.0	1.7
Yemen			5.6	5.8

**Source:** *“The Road Not Traveled: Education Reform in the Middle East and North Africa”, MENA Development Report, World Bank, 2008, Washington DC*

### 3. Access to Education

#### 3.1 Universal Primary Education

Arab States have made significant progress towards universal primary education, with the average net enrolment ratio continuing to rise, from nearly 79 per cent in 1999 to 83 per cent in 2005.<sup>651</sup> The average regional data however masks significant variations between the countries. At 97 per cent for boys and girls, Tunisia has the highest level of primary net school enrolment in the region, while net primary school enrolment rate was 71 only per cent for boys and 70 per cent for girls in oil-rich United Arab Emirates.<sup>652</sup>

However, these rates may be inflated due to low birth registration rates in rural areas, for example in the case of Morocco. In addition, it is important to highlight that attendance rates are significantly lower than enrolment rates in many countries.

<sup>651</sup> Regional overview: Arab States, “2008 Education For All Global Monitoring Report”, UNESCO, 2008

<sup>652</sup> Net enrolment rates in this report are all based on 2000-2006 Data, “Info by Country” UNICEF website available at <http://www.unicef.org/infobycountry>

Despite improvements in access to primary education, the number of out-of-school children remains high. More than 6 million children in the region were out of school in 2005, with almost half of the children, mainly girls, located in Iraq, Morocco, Saudi Arabia and Yemen.<sup>653</sup> Children are more likely to be out of school if they are from poor households and live in a rural area and/or have a mother with no schooling, reports the United Nations.<sup>654</sup> Algeria is the only exception where children from rural areas tend to have almost equal access to primary education as children from urban areas.<sup>655</sup>

According to UNICEF, Yemen is illustrative of how poverty, high fertility rates and mounting external debt are detrimental to fulfilling the right to quality education. The Government has allocated more than 20 per cent of its budget to education, and Yemen has received extra financial support from the international community through the Education for All Fast-Track Initiative<sup>656</sup>, however, net primary enrolment rates are only 63 for girls and 87 for boys.

### 3.2 Secondary Education

Despite significant government spending and the advances in access to education, the average level of education youth receive is still lower in the MENA region than other developing countries with a similar level of per capita income.<sup>657</sup>

Participation in secondary education varies greatly by country. Bahrain, Egypt, Jordan, Kuwait and Qatar have net secondary education enrolment rates exceeding 70 per cent. Bahrain has the highest net secondary education enrolment rates - 93 per cent of girls and 87 per cent for boys. Morocco, Iraq and Yemen have net school enrolment rates of lower than 40 per cent. Worryingly, only 21 per cent of girls in Yemen are enrolled in secondary schools.

School progression and retention rates show a disturbing trend in many of the MENA countries. While more than 90 per cent of primary school pupils reached the last grade in Saudi Arabia, only 48 per cent actually completed primary education.<sup>658</sup> Persistence of high drop out and absenteeism at the secondary level has been attributed to poverty, economic necessity to find employment and low quality of education. In countries such as Egypt and Syria, high drop out rates have also been linked to various forms of violence in schools, including ill-treatment and verbal abuse by teachers.<sup>659</sup>

**Table 20: Net primary and secondary school enrolment rates in the MENA Region, 2000-2006**

Country*	Primary – Girl	Primary – Boy	Secondary – Girl	Secondary - Boy
Algeria	95	98	68	65

<sup>653</sup> UNESCO, Op. Cit

<sup>654</sup> UNESCO, Op. Cit

<sup>655</sup> World Bank, Op. Cit

<sup>656</sup> “Gender Achievements and Prospects in Education report”, UNICEF, 2005

<sup>657</sup> “Youth—An Undervalued Asset: Towards A New Agenda In The Middle East And North Africa: Progress, Challenges and Way Forward”, World Bank, September 2007, Washington

<sup>658</sup> Regional overview: Arab States, “2007 Education For All Global Monitoring Report”, UNESCO, 2007

<sup>659</sup> “Quality Inclusive Education Programme Plan – Findings of National Research”, Internal Document, Save the Children UK Middle East and North Africa Programme, February 2007, Cairo

Bahrain	97	97	93	87
Egypt	91	96	79	85
Iraq	81	94	31	44
Jordan	90	88	80	77
Kuwait	86	87	80	76
Lebanon	92	93	-	-
Libya	-	-	-	-
Morocco	83	89	32	38
Occupied Palestinian Territories	80	80	98	92
Oman	74	73	77	77
Qatar	96	96	89	91
Saudi Arabia	79	77	68	63
Syria	92	97	60	64
Tunisia	97	97	68	62
United Arab Emirates	70	71	59	56
Yemen	63	87	21	46

Note\*: Data by Gender

Source: UNICEF, <http://www.childinfo.org/areas/education/table1.php>, last updated January 2008

### 3.3 Early Education

With a gross enrolment ratio in pre-primary education at below 20 per cent, the provision of early childhood programmes is insufficient among the Arab States, reflecting the low priority given to development of youngest children, notes the UN.<sup>660</sup> There have been encouraging developments in the past few years, with countries such as the United Arab Emirates and Tunisia starting to expand pre-school education programmes. However, early education is still a luxury for all children, with only a minority of children participate in pre-primary education, particularly in the rural areas.

### 3.4 Gender Parity

With the exception of Iraq, Morocco and Yemen, the MENA region is largely on track to achieving the Millennium Development Goal of achieving gender parity in access to primary education by 2015. Jordan and Qatar had achieved the gender parity goal in both primary and secondary education by 2005.<sup>661</sup>

Girls' net primary enrolment rate exceeds that of boys in Jordan, Oman and Saudi Arabia. The UN also states that gender disparities concern not only access to school but also participation in learning process; in nearly all MENA countries with data, boys repeat more than girls, showing that once girls have access to school, they do as well or better than boys.<sup>662</sup> Overall though, strong gender disparities persist - three out of five children not enrolled in primary school in the region in 2005 were girls.<sup>663</sup>

While the MENA region is yet to attain full secondary school enrolment, many of the countries are making significant progress to achieve gender parity. On average, Algeria, Bahrain, Jordan, Kuwait, occupied Palestinian territories, Saudi Arabia, Tunisia and the United Arab Emirates, girls had higher

<sup>660</sup> UNESCO, *Op. Cit*

<sup>661</sup> UNESCO, 2008, *Op. Cit*

<sup>662</sup> "Regional overview: Arab States, "2003-04 Education For All Global Monitoring Report", UNESCO

<sup>663</sup> UNESCO, 2008, *Op. Cit*

secondary net school enrolment rates than boys. Egypt, Qatar and Syria – along with the low-performing Iraq, Morocco and Yemen – are lagging in their progress to achieve gender parity in secondary education.

Girls who have little schooling generally come from low-income communities and tend to marry early and begin childbearing at a young age. In particular, the Committee on the Rights of the Child has expressed its regret that discriminatory social attitudes in Egypt towards the education of girls, primarily in rural areas, result in their low school enrolment and high drop-out rates, and in early and forced marriages.<sup>664</sup> UNICEF has also noted its concerns that education systems in the region largely reproduces and reinforces the wider social discrimination and economic/political disparities experienced by girls and women in many countries of the region.<sup>665</sup>

## **4. Exclusionary policies and practices**

### **4.1 Urban – Rural and Income Status**

Children from low-income families in rural communities tend to have lower access to education at primary and secondary levels than children from better-off families in urban communities. A recent World Bank report on education in MENA region highlights that this is partly due to government policies that favour allocation of public expenditures to higher education, and encourage private sector involvement in basic education, without a clear strategy as to how poor students may access private schools.<sup>666</sup>

### **4.2 Stateless persons, Refugees and Internally Displaced Persons**

The unresolved legal status of stateless persons in Arab states has also impacted negatively upon the right to education of children. In Syria, for example, the total number of stateless persons is estimated at over 300,000.<sup>667</sup> The Committee on the Rights of the Child reports that children of Kurdish parents who are stateless continue to be denied Syrian nationality and are subject to discrimination.<sup>668</sup> While the Syrian government claims to recognise the right of Kurdish children to a

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<sup>664</sup> “Concluding Observations of the Committee on the Rights of the Child Egypt”, CRC/C/Add 145, United Nations Convention on the Rights of the Child, 21 February 2001

<sup>665</sup> “Progress for Children” Report Card on Gender Parity and Primary Education”, Number 2, UNICEF, April 2005

<sup>666</sup> World Bank, 2007, Op. Cit

<sup>667</sup> “Syrian Arabic Republic: 2005 Statistical Yearbook”, United Nations High Commissioner for Refugees, April 2007

<sup>668</sup> “Concluding Observations: Syrian Arabic Republic, Committee on the Rights of the Child, CRC/C/15/Add.212, 10 July 2003



primary education, stateless Kurds face difficulty enrolling in secondary schools.<sup>669</sup> In the Gulf region, the unresolved legal status of “Bidoun” – short for bidoun jinsiyya, without citizenship in Arabic – has often led to severe violation of rights, including right to education.<sup>670</sup>

Regional conflicts and emergencies in the region have also impacted negatively on the delivery of educational services in countries such as Iraq and occupied Palestinian territory, and have placed a heavy burden on countries hosting large number of refugees, particularly Jordan and Syria.

There are over 500,000 Iraqi refugees in Jordan, making it one of the top refugee-hosting countries.<sup>671</sup> Many of the 200,000 school-age Iraqi children suffer major gaps in accessing social services. Iraqi children have had difficulties accessing public education, despite the claim that the ‘Jordanian law contains a number of provisions under which non-Jordanians are granted the same rights as Jordanians’.<sup>672</sup> According to Human Rights Watch, Iraqi nationals in Jordan consistently identified lack of access to education as a major problem facing their children, with just under 10 per cent of the children having attended schools in 2006. In 2007, Jordan agreed to allow displaced Iraqi children without residency permits to enroll in public school.<sup>673</sup> However, a recent survey found that only 60 per cent of Iraqi children in the poorest wealth group are enrolled in school, with enrolment rates particularly low among non-Muslim Iraqi population<sup>674</sup>

Since March 2003, nearly 1.5 million Iraqis have taken up refuge in Syria,<sup>675</sup> placing a heavy burden on the country, with the government estimating that the burden, including accommodation of Iraqi children in schools, has cost it US \$1 billion each year.<sup>676</sup> According to UNHCR and Syrian government officials, there are no restrictions preventing Iraqi children from attending schools in Syria.<sup>677</sup>

Palestinian refugees are the largest group of stateless persons in the Middle East and North Africa. Nearly 4.5 million refugees are registered with the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) out of which 1.3 million live in 58 refugee camps in Jordan, Lebanon, West Bank, Gaza and Syria.<sup>678</sup> UNRWA has been the main provider of basic education to Palestine refugees for nearly five decades, providing primary and junior secondary schooling free of charge for all Palestine refugee children in its area of operations. Access to secondary education

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<sup>669</sup> “Syria: Follow up on Commitment to Grant Citizenship to Stateless Kurds”, Refugees International, 11 October 2005, <http://www.refugeesinternational.org/content/article/detail/7271>

<sup>670</sup> When the Arab Gulf states were formed, some used tribal affiliation rather than borders to determine citizenship. This left many stateless, including an estimated 80,000 in Kuwait whose legal status remain unresolved, and the UAE also has a population of a roughly estimated 100,000 stateless Bidoun.

<sup>671</sup> “Protecting Refugees and the Role of UNHCR, 2007-2008”, United Nations High Commissioner for Refugees, 2007. Some estimate that 1 million Iraqis now live in Jordan.

<sup>672</sup> “Submission to the Committee on the Rights of the Child Regarding Jordan’s Third Periodic Report to the Committee on the Rights of the Child”, Human Rights Watch, July 31, 2006

<sup>673</sup> “Jordan: Government Pledges to Grant Iraqis Education Health Rights”, Human Rights Watch, August 16 2007

<sup>674</sup> “Iraqis in Jordan Their Number and Characteristics”, FAFO Institute, 2007, Norway

<sup>675</sup> Syria has tightened its borders, and the country continues to refuse entry to Palestinians fleeing Iraq, with 1,400 Iraqi Palestinians camped at the Iraqi-Syrian border.

<sup>676</sup> “Iraq Syria: Confusion over Syrian visa requirements for Iraqi refugees”, IRIN News, 3 September 2007, <http://www.irinnews.org/Report.aspx?ReportId=74072>

<sup>677</sup> Amnesty, Op. Cit

<sup>678</sup> Figures as of 31 December 2006. See UNRWA website, <http://www.un.org/unrwa/refugees/index.html>

varies greatly. In Jordan<sup>679</sup>, the government offers secondary education to Palestinian refugees, and facilitates secondary schools in the refugee camps. More than 95 per cent of the Palestinian refugee students that continue their education attend governmental secondary education.<sup>680</sup> However, refugees in unofficial camps do not fully enjoy their right to education.

Syria provides primary and secondary education for Palestinian refugee children on the same basis as Syrian nationals, but 80 per cent of the refugees attend UNRWA primary schools and continue their secondary education in government schools. By contrast, in Lebanon, just over 5 per cent of Palestinian refugee students are admitted to public secondary schools, pushing UNRWA in Lebanon to provide secondary education. In 2006, the Committee of the Rights of the Child expressed its concern that Lebanon has not sufficiently addressed its previous recommendations to improve protection of Palestinian refugee children, including right to education. In the West Bank and Gaza, refugee children can attend governmental schools on the same basis as non-refugees but nearly two-thirds attend UNRWA primary schools, and then attend governmental secondary schools.

In Egypt, 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.<sup>681</sup> In addition to the 32,000 Sudanese refugees registered with the UN Refugee Agency (UNHCR), between 500,000 to 3 million Sudanese without official refugee status are believed to reside in Egypt.<sup>682</sup>

### **4.3 Children of migrant families**

In general, the rights of children of non-citizens are not recognised in the majority of the countries. The lack of primary educational services to non-citizen children in Saudi Arabia has caused hardship for a substantial part of the expatriate population living in the country.<sup>683</sup> The Committee on the Rights of the Child has expressed its concerns about the situation and vulnerability of migrant workers' children in Saudi society, noting that those without legal residence, including children of Bidoun parents, do not have access to education.<sup>684</sup> In Kuwait, concerns were raised that Bidoun children may be denied birth certificates needed to attend primary and secondary school.<sup>685</sup> In Libya, there were reports that in July 2007, the government amended the law to impose high fees on non-citizens enrolled in primary and secondary schools, prompting many foreigners to leave the

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<sup>679</sup> All Palestine refugees in Jordan have full Jordanian citizenship with the exception of about 120,000 refugees originally from the Gaza Strip, which up to 1967 was administered by Egypt.

<sup>680</sup> Unless otherwise stated information on Palestinian refugee children is from "Situation Analysis – the Rights of Palestinian Refugee Children", Institute of Public Management, report commissioned by Save the Children Sweden

<sup>681</sup> "Who Asked Them Anyway? Rights, Policies and Wellbeing of Refugees in Egypt", Katarzyna Grabska, Forced Migration and Refugee Studies, American University in Cairo, Egypt, July 2006

<sup>682</sup> "Egypt – Research Guide", Forced Migration Online: A World of information on Human Displacement, University of Oxford, <http://www.forcedmigration.org/guides/fmo029/fmo029-3.htm>

<sup>683</sup> "Saudi Arabia – 2006 Country Report on Human Practices", US State Department, March 6, 2007

<sup>684</sup> "Concluding Observations of the Committee on the Rights of the Child: Saudi Arabia", UN Committee on the Rights of the Child, 40<sup>th</sup> Session, CRC/C/SAU/CO2, 17 March 2006

<sup>685</sup> "Lives on Hold: Middle East", Refugees International, available at [http://www.refugeesinternational.org/section/publications/stateless\\_mideast/](http://www.refugeesinternational.org/section/publications/stateless_mideast/)

country.<sup>686</sup> In addition, there are reports that children whose mothers are married to non-Libyan nationals were not admitted to school in September 2007.<sup>687</sup>

#### **4.4 Nationality Law and Birth Registration**

In many of the MENA countries, traditionally women who marry men of other nationalities cannot confer their nationality to their children, denying them access to public education. This is starting to change, and the North African countries have now amended their nationality laws to enable granting of nationality through maternal parentage.

Algeria has modified its nationality law to enable women to pass on their nationality to children; however, the registration of children born out of wedlock is an issue of concern in the light of the social stigma associated with these births.<sup>688</sup> In Jordan, the Committee of the Rights of the Child has noted that Jordanian women cannot, except under special humanitarian circumstances, transmit their nationality to their children born from a marriage with a non-Jordanian man, which in some cases may result in statelessness. The Committee has also recommended Saudi Arabia to review its legislation on nationality to ensure that nationality can be transmitted through maternal and paternal lines without distinction. Bahrain and Jordan have recently adopted reforms that allow the children of a citizen mother and non-citizen father to access public services.<sup>689</sup>

UNICEF reports that 16 per cent of children in the MENA region were not registered at birth<sup>690</sup>, thereby making it difficult for children to access public education. The Committee is concerned that lack of birth registration of a significant number of children in Yemen has negative consequences for the full enjoyment of their rights.

#### **4.5 Children of minority communities**

Historically, children of minority communities in Algeria and Morocco have also had less access to schooling, although robust data on school achievement by ethno-linguistic background is difficult to find. In Libya, the Human Rights Committee has reported that discrimination against migrant workers, black Libyans, ethnic and religious minorities was occurring.<sup>691</sup> In Bahrain, the quality of education is assumed to be lower in Shi'a neighbourhoods than in Sunni neighbourhoods.<sup>692</sup>

In Algeria and Morocco, the strong political suppression of the Amazigh language in favour of Arabic; has begun to change, and Amazigh language is now taught in a growing number of primary schools in Algeria, while Morocco has set up an Amazigh Institute and Libya held an Amazigh Congress to discuss education and social integration of the country's Berber communities.<sup>693</sup> While welcoming these measures, the Committee on the Rights has expressed concerns regarding continuing discrimination faced by minority groups.

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<sup>686</sup> Libya: 2007 Country Report on Human Practices", US State Department, March 11 2008

<sup>687</sup> "Concluding Observations of the Human Rights Committee, Consideration of reports submitted by State Parties under Article 40 of the Covenant of Civil and Political Rights", CCPR/C/LBY/CO/4, 15 November 2007

<sup>688</sup> "Making Children's Rights Work in North Africa: Country Profiles on Algeria, Egypt, Libya, Morocco and Tunisia", International Bureau for Children's Rights, August 2007, Canada

<sup>689</sup> UNICEF, Op. Cit

<sup>690</sup> "Birth Registration" Child Protection Information Sheet, UNICEF, May 2006

<sup>691</sup> International Bureau for Children's Rights, *August 2007, Canada*

<sup>692</sup> "Bahrain: Making Children's Rights Work", International Bureau for Children's Rights, 2007

<sup>693</sup> World Bank, 2007, *Op. Cit*

#### 4.6 Children living with disabilities

Education systems in the MENA region continue to exclude more than 95 per cent of the disabled school-aged population at the primary level and almost entirely at the university level.<sup>694</sup> In many of the countries, the Committee on the Rights of the Child has also found that the children living with disabilities are not included in regular education system, and has recommended greater efforts to promote inclusive education.

In recent years, national governments, such as Tunisia and Jordan, have declared their commitment to providing educational services for children living with disabilities. The International Bureau for Children's Rights reports that Tunisia has adopted measures to enhance equality of opportunity for children with disabilities and further protect their rights, namely the integration of children with minor disabilities in regular schools.<sup>695</sup> Different types of inclusive education policies and programmes have started to be implemented by national governments in the region, often with support from international organisations such as Save the Children. However, these efforts remain limited in scope, and there remains a glaring discrepancy between policies and practices. For example, in Libya discrimination against children living with disabilities is unlawful but the vast majority continue to be excluded from the educational system. While in Yemen, the situation is different and where Save the Children Sweden established good channels of dialogue with state ministries and duty bearers and where Save the Children are running inclusive education projects targeting children with disabilities. The impact is small, but due to lack of resources by the state.

In Morocco, Save the Children UK estimated that as few as 2 per cent of disabled children receive the basic services, including education. In Egypt, Plan International estimates that services, including educational services, are only available for 5 per cent of all disabled persons - added to which 80 per cent of these services are city based and generally not free; making them inaccessible to the majority of disabled children who are from rural and urban squatter families.<sup>696</sup>

### 5. Quality of education

The UNDP Arab Human Development reports have consistently noted the importance of improving the quality of education in the region. The 2002 report emphasised that the quality of education has deteriorated, implying a decline in knowledge acquisition', while the 2003 report stated that education methods Education systems tend to focus on learning by rote education rather than on developing critical thinking, analytical and participation skills, and the 2004 report highlighted the mismatch between the education system and the labour market.<sup>697</sup>

In the late 1990s, several MENA countries adopted pedagogical reforms (student centred learning, competency-based curricula, and focus on critical thinking). However, despite these efforts, there is little evidence of a significant shift away from a traditional model of teaching. The main activities in the classrooms in MENA continue to be copying from the blackboard, writing, and listening to the

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<sup>694</sup> "A Note on Disability Issues in the Middle East and North Africa", Human Development Department, Middle East and North Africa Region, World Bank, June 30, 2005

<sup>695</sup> International Bureau for Children's Rights, *Op. Cit*

<sup>696</sup> Discussions with Plan International, February 2008

<sup>697</sup> See United Nations Development Programme website

teachers.<sup>698</sup> Teachers in Egypt believe that their role is to transfer the content of textbooks to the children's heads in the simplest way possible: "their understanding does not encompass any idea of facilitating learners in their active construction of knowledge. The 'good' teacher is seen as one who dominates, talks all the time and covers the blackboard in writing: the more 'generous' they are in giving information, the more excellent they are".<sup>699</sup>

The Committee on the Rights of the Child has also reiterated its serious concerns regarding the quality of education in the Middle East and North Africa region. In the case of Jordan, for example, concerns were expressed about 'school shifts, the lack of schooling facilities and equipment, overcrowded classrooms, under-qualified teachers and inadequate teaching methods'. The Committee has recommended reforms of curriculum and teaching methodology, with more emphasis on critical thinking, child-centred teaching methods and human rights education.<sup>700</sup>

In many of the MENA countries, quantity and quality of school infrastructure are poor, classrooms are too few in numbers and educational materials are inadequate. The government of Egypt for example estimates that more new primary and secondary schools are needed to meet continuing population growth and current shortages in facilities.<sup>701</sup> Concerns have also been expressed about the long term educational impact of overcrowding in UNRWA school systems.

In addition, violence at school has acted as a disincentive, particularly for girls. In Libya, corporal punishment at school is a criminal offence under the School Discipline Ordinance for schools as well as the 1991 Child Protection Act.<sup>702</sup> In Algeria, a study conducted by the Ministry of Education in collaboration with UNICEF revealed that corporal punishment is still commonly practiced in schools, and in Egypt, Save the Children UK reports that violence against boys and girls in schools remains rampant, despite the 1971 Ministerial Decree prohibiting corporal punishment in schools.

In conflict-ridden zones of MENA, access to education is hindered by political violence. Displaced Iraqi children are particularly vulnerable to insecurity and many do not attend school and are sheltered in abandoned government buildings with no water or electricity, mosques, churches, or with relatives.<sup>703</sup> Similarly in the occupied Palestinian territories, children's access to education is negatively impacted by the volatile political situation and the Israeli regime of closure, which severely restricts the movement of people within the territories.

The low quality of education is reflected in the testing scores of pupils in the MENA countries relative to rest of the world. MENA countries are scoring well below international average, for example, in international tests of eighth graders (Trends in International Math and Science Study—TIMSS) or 15-year-olds (Programme for International Student Assessment)

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<sup>698</sup> World Bank, 2008, *Op. Cit*

<sup>699</sup> Save the Children UK, February 2007, *Op. Cit*

<sup>700</sup> See for example Concluding Observations for Syria, Jordan, Qatar and the UAE.

<sup>701</sup> "IFC's Public-Private Partnership Advice Will Help Egypt Improve Water Services and Build More Schools", IFC, Cairo, December 3, 2006

<sup>702</sup> Libyan Arab Jamahiriya: Second Periodic Report", Committee on the Rights of the Child, CRC/C/93/Add.1, 19 September 2002

<sup>703</sup> "The Internally Displaced People in Iraq", Update 32, Iraqi Red Crescent Organization, 26 March 2008

## 6. Educational Reforms

The World Bank notes that various stakeholders in the region regard education as their most important development challenge, and education reform is on top of the reform agenda of many governments.<sup>704</sup> According to its recently released report Jordan and Kuwait were the top educational reformers in the region, while Yemen, Iraq and Morocco ranked lowest in terms of access, efficiency and quality of education. The first World Bank loan to Iraq in over thirty years was approved in 2005 to help the Government of Iraq to alleviate school over-crowding and lay the groundwork for educational reform.

Reform of education systems is one of the main objectives of the World Bank in the region, with a *'strategy to promote knowledge-based economic development and to facilitate the economic transition of countries in MENA'*. The World Bank is increasingly emphasising the importance of changing the behaviour of key education actors - teachers, administrators, and educational authorities.

## Bibliography

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### Section I: Child Rights Situation Analysis at Country Level

#### Algeria

Amnesty International, (2008) "Algeria: Submission to the UN Universal Periodic Review", First session of the UPR Working Group, 7-11 April 2008

Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme (2005), *Les Droits de l'Enfant en Algérie: Rapport Alternatif*", Submission to the 40<sup>th</sup> Session of the UN Committee of the Rights of the Child

Committee on the Rights of the Child (2005) "Consideration of reports submitted by state parties under article 44 of the Convention: Second periodic reports of States parties due in 2000", CRC/C/93/Add.7, 3

Committee on the Rights of the Child (2005), "Summary Record of the 1056th Meeting", Geneva  
Committee on the Rights of the Child (2005) "Concluding Observations of the Committee on the Rights of the Child: Algeria", 40<sup>th</sup> Session, CRC/C/15/Add.269

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<sup>704</sup> "MENA Regional Brief", World Bank Group, April 2008, available at: [worldbank.org](http://worldbank.org)

Kamel Kateb (2003) "The expansion of access to education and the demography of Algeria, Background paper prepared for the Education for All Global Monitoring Report 2003/4"  
Minority Rights (2008) "Africa, State of the Worlds' Minorities"  
Peoples' Democratic Republic of Algeria (2005) "Written Replies from the Government of Algeria to the List of Issues to be taken up in consideration of the second periodic report of Algeria by the Committee on the Rights of the Child"  
Peoples' Democratic Republic of Algeria (2006) "African Charter on Human and Peoples' Rights Third and fourth periodic reports"  
UNICEF (2008) "UNICEF Inputs: Algeria, Submission to the UN Universal Periodic Review"  
UNHCR (2007) "Algeria Country UNHCR Global Report 2006"  
US State Department (2006) "Algeria: 2005 Country Report on Human Rights Practices",  
US State Department (2007) "Trafficking in Persons Report"  
US State Department, (2007) "Algeria: 2006 Country Report on Human Rights Practices"  
World Bank (2003) "Algeria Country Assistance Strategy", Report No. 25828-AL., 30 June 2003  
World Bank (2007) "Algeria Country Brief", September 2007

### **Bahrain**

Bahrain Centre for Human Rights (2004) "Citizenship in Bahrain: Motives & Serious Impacts on Humans Rights and Social Security"  
Committee for the Defense of Human Rights in Bahrain (2001) "High hopes, Little progress"  
Committee on the Rights of the Child (2001) "Consideration of Reports Submitted by State Parties: Initial reports of States parties due in 1994 - Bahrain" CRC/C/11/Add.24, 23  
Committee on the Rights of the Child (2002) "Concluding Observations of the Committee on the Rights of the Child: Bahrain", CRC/C/15/Add 175  
Committee of the Rights of the Child (2002), 29<sup>th</sup> Session, Geneva, 14 January - 1 February 2002  
Human Rights Watch (1998) "World Report 1998"  
Human Rights Watch (2001) Children's Rights in "World Report"  
International Bureau for Children's Rights (2007) "Bahrain: Making Children's Rights Work", Canada  
Gulf Centre for Strategic Studies (2005) "Bahrain Brief", Vol 6, Issue 1  
Peter Newell (2007) "Bahrain: Briefing for the Human Rights Council, Universal Periodic Review, 1<sup>st</sup> Session, 2007", Global Initiative to End All Corporal Punishment of Children  
UNDP (2007) "Draft Country Programme Document for Bahrain (2008-2011)"  
UNICEF (2006) "Recommendation for funding from other resources without a recommendation for funding from regular resources: Gulf Area subregional programme", E/ICEF/2006/P/L.61  
UNICEF (2007) "Draft Programme of Co-operation between Bahrain and UNICEF 2007 – 2009"  
US Department of Labour (2005) "Bahrain: Laws Governing Exploitative Child Labour Report"  
US State Department Report (2006) "2005 Trafficking in Persons Report"  
US State Department (2008) "Bahrain - 2007 Country Report on Human Rights Practices"

### **Egypt**

Committee on the Rights of the Child (2001), "Concluding Observations of the Committee on the Rights of the Child Egypt", CRC/C/Add 145, 21 February 2001

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (2007) "Concluding observations - Egypt", CMW/C/EGY/CO/1,  
European Parliament, (2008) "Motion for a Resolution" <Date>{15/01/200</Date>,<NoDocSe>B6-0036/2008, 15 January 2008  
Human Rights Watch (2005), "Failing Our Children: Barriers to the Right to Education",  
Human Rights Watch (2008) "Egypt: 117 NGOs Slam HIV-Based Arrests and Trials" April 7, 2008,  
IMF, (2008) Egypt: Reforms Trigger Economic Growth in "IMF Survey", February 13, 2008  
Katarzyna Grabska (2006) Who Asked Them Anyway? Rights, Policies and Wellbeing of Refugees in Egypt", Forced Migration and Refugee Studies, American University in Cairo, Egypt  
NGO Coalition on the Rights of the Child in Egypt (2001) "NGOs Report on the Rights of the Child in Egypt", submitted for the CRC Session 26  
Save the Children UK and Community and Institutional Development (2007), A Rights-Based Analysis of Child Protection in Egypt", Egypt  
United Nations (2001) "Common Country Assessment", Cairo, Egypt  
United Nations (2005) "Common Country Assessment 2005": Egypt  
UNDP and Institute of National Planning (2005) "Egypt Human Development Report, Choosing our Future: Towards a New Social Contract", Egypt  
UNHCR (2007) "Global Appeal, Country Profile: Egypt, 2008-2009"  
UNICEF Innocenti Research Centre (2000), "Domestic Violence against Women and Girls", Innocenti Digest n. 6, Florence Italy  
UNICEF (2006) "Draft Country Programme Document: Egypt"  
US State Department (2008) "Egypt-2007 Country Report on Human Practices"

## **Iraq**

Amnesty International (2008), Carnage and Despair: Iraq Five Years On"  
Center for Economic and Social Rights CESR (2004) "Emergency Campaign on Iraq", Fact Sheet  
Committee on the Elimination of Racial Discrimination (2001) Concluding Observations: Iraq", International Convention on the Elimination of Racial Discrimination, 55th Session, CERD/C/304/Add.80  
Committee on the Rights of the Child (1998) "Concluding Observations: Iraq", 19th Session, CRC/C/15/Add.94  
Human Rights Watch (2001) "World Report 2001"  
Human Rights Watch (2005) "Failing Our Children: Barriers to the Right to Education"  
Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (2008) "Global internal displacement crisis grew in 2007 – survey, 17 April 2008, Geneva  
International Bureau for Children's Rights (2007) "Making Children's Rights Work: Country Profile on Iraq"  
Iraqi Red Crescent Organisation (2008) "The Internally Displaced People in Iraq", Update 32  
Stop FGM in Kurdistan (2007) "Iraqi Kurdistan: Draft for a Law Prohibiting Female Genital Mutilation is submitted to the Kurdish Regional Parliament"



United Nations General Assembly (2007) "General Assembly urges stepped up effort to meet 'World Fit for Children' pledges, as high-level review of 2002 special session concludes at Headquarters", Sixty-second General Assembly

UNESCO (2003) "UNESCO and Education in Iraq"

UNHCR (2007) "Iraq Situation: UNHCR Global Appeal 2008-2009"

UNHCR (2008) "Internal Displacement in Iraq", Briefing Notes

UNICEF (2007) "Iraq's Children – 2007: A Year in their Life"

UNICEF (2007) "Iraq External Situation Report – March 2007"

UNICEF (2008) "Update for Partners on the Situation of Children in Iraq", First Quarter 2008

US State Department (2007) "Trafficking in Persons Report"

### **Jordan**

Amnesty International (2008) "Amnesty International Report 2008 – Jordan"

BADIL (2006) "Palestinian Refugee Children: International Protection and Durable Solutions", Information & Discussion Brief Issue No. 10, December 2006

Committee on the Rights of the Child (2006) "Concluding Observations: Jordan" Consideration of Reports Submitted by State Parties

Committee on the Rights of the Child (2006) "Jordan Third Periodic Report, Consideration of Reports Submitted by State Parties Under Article 44 of the Convention on the Rights of the Child", CRC/C/JOR/3

Fayez A. Simadi and Fawwaz Almomani (2008) "Clients' satisfaction about non-governmental organizations services in Jordan in 'International NGO Journal' Vol. 3 (3)"

Hashemite Kingdom of Jordan (2006), "Written Replies by the Government of the Hashemite Kingdom of Jordan to the List of Issues to be taken up in consideration of the third periodic report of Jordan by the Committee on the Rights of the Child", CRC/C/JOR/Q/3/Add.1

Human Rights Watch (2006) "Submission to the Committee on the Rights of the Child Regarding Jordan's Third Periodic Report to the Committee on the Rights of the Child"

Human Rights Watch (2007) "Jordan: Government Pledges to Grant Iraqis Education Health Rights"

Human Rights Watch (2007) "Shutting Out the Critics Restrictive Laws Used to Repress Civil Society in Jordan", Volume 19, No. 10(e)

International Bureau for Children's Rights (2007) "Making Children's Rights Work: Country Profile on Jordan"

Mohammed Issa Shahateet, Nihaya Issa Dabdub, (2002) "Estimating Child Labour in Jordan: 1991-2005" Ministry of Labour, Hashemite Kingdom of Jordan

National Center for Human Rights (2006) "The NGOs Supplementary Report on the 3<sup>rd</sup> Jordanian Official Report on CRC", Jordan

National Council for Family Affairs (2004) "Jordan Country Study of Disadvantaged Children" Amman

Save the Children Sweden, Institute of Public Management, "Situation Analysis - The rights of Palestinian refugee child",

UNHCR (2007) "Protecting Refugees and the Role of UNHCR, 2007-2008"

World Bank (2006), "Country Assistance Strategy"

### **Kuwait**

Committee on Economic, Social and Cultural Rights (2004) "Concluding Observations: Kuwait", Thirty-second session, E/C.12/1/Add.98, 7 June 2004

Committee on the Rights of the Child (1998) "Summary Record of the 498th meeting held on 29th September 1998, Consideration of Reports of State Parties", CRC/C/SR.490

Committee on the Rights of the Child (2008) "State Party Examination of Kuwait's Initial Report on the Implementation of the Optional Protocol on Children in Armed Conflict (OPAC)

Committee on the Rights of the Child (2008) "Concluding Observations: Kuwait, Consideration of Reports Submitted by State Parties under Article 12 of the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography" CRC/C/OPSC/KWT/CO/1

FAFO Institute (2007) "Iraqis in Jordan Their Number and Characteristics", Norway

Higher Council for the Child and the Family (2003) "SITAN REPORT – Kuwait (Summary)"

Human Rights Watch (2007) "Kuwait: Promises Betrayed: Denial of Rights of Bidun, Women, and Freedom of Expression"

Human Rights Watch (2007) "Exported and Exposed: Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon and the United Arab Emirates

Global Initiative to End All Corporal Punishment of Children (2005) "Ending legalised violence against children: report for the Middle East and North Africa regional consultation"

UNICEF (2007) "Draft Programme of Co-operation between Kuwait and UNICEF 2007 – 2009"

UNHCR (2007) "2005 UNHCR Statistical Notebook, Country Data Sheet: Kuwait"

US State Department (2000) Kuwait – 1999 Country Report on Human Rights Practices"

US State Department (2005) "Kuwait – 2004 Country Report on Human Rights Practices"

US Department of State (2007) "Kuwait: Background Report"

US Department of State (2007) "Kuwait - 2006 Country Report on Human Practices"

### **Libya**

Amnesty International (2004) "Libya Time to Make Human Rights a Reality"

Committee on the Elimination of Racial Discrimination (2004) "Concluding Observations: Libyan Arab Jamahiriya", Committee on the Elimination of Racial Discrimination, CERD/C/64/CO/4"

Committee on the Rights of the Child (2002) "Libyan Arab Jamahiriya: Second Periodic Report, Consideration of Reports Submitted by State Parties under Article 44 of the Convention", Committee on the Rights of the Child, CRC/C/93/Add.1

Committee on the Rights of the Child (2003) "Concluding Observations: Libyan Arab Jamahiriya", CRC/C/15/Add.209

Committee on the Rights of the Child (2003) "Summary Record of the 876th Meeting"

Committee on the Rights of the Child (2003), "Consideration of Second Periodic Report of Libyan Arab Jamahiriya", CRC/C/SR/876

European Commission (2004) "Technical Mission to Libya on Illegal Immigration", 27 Nov – 6 Dec 2004

Human Rights Watch (2006) "Libya: A Threat to Society? Arbitrary Detention of Women and Girls for 'Social Rehabilitation'"

Human Rights Committee (2007) "Concluding Observations of the Human Rights Committee, Consideration of reports submitted by State Parties under Article 40 of the Covenant of Civil and Political Rights", CCPR/C/LBY/CO/4

UNHCR (2008) "Libya: Country Operational Plan, Planning Year 2007"

US State Department (2007) "Trafficking in Persons Report"

World Bank (2006) "Socialist People's Libyan Arab Jamahiriya, Country Economic Report"

### **Morocco**

Commission on Human Rights (2000) "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos", E/CN.4/2001/78/Add

Committee on the Elimination of Discrimination against Women (2008) "Concluding observations: Morocco" CEDAW/C/MAR/CO/4

Committee on the Rights of the Child (2003) "Second Periodic Report Morocco, Consideration of Reports Submitted by State Parties under Article 44 of the Convention on the Rights of the Child", Morocco, CRC/C/93/Add.3

Committee on the Rights of the Child (2003) "Concluding observations of the Committee on the Rights of the Child: Morocco, CRC/C/15/Add.211

Committee on the Rights of the Child (2006) "Concluding observations of the Committee on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography: Morocco", CRC/C/OPSC/MAR/CO/1

European Commission Council of Ministers (2006) "EU Annual Report on Human Rights"

Human Rights Watch (2002) "Nowhere to Turn: State Abuses of Unaccompanied Migrant Children by Spain and Morocco"

Human Rights Watch (2005) "Inside the Home, Outside the Law: Abuse of Child Domestic Workers in Morocco"

Human Rights Watch (2008) "Human Rights Watch's Submission to the Human Rights Council, Universal Periodic Review of Morocco"

Human Rights Watch, (2008) "Morocco: Allow Free Expression in Western Sahara, Talks on Disputed Region Resume in New York"

International Labour Organisation (2004) "Helping Hands or Shackled Lives: Understanding Child Labour and Responses to it"

Government of Morocco (2005) "Third Periodic Report to the Committee on Economic, Social, and Cultural Rights", E/1994/104/Add.2917

Government of Morocco (2006) "Supplement to the Written Replies of the Government of Morocco to the list of issues to be taken in connection with Optional Protocol to the CRC on the Sale of the Children, Child Prostitution and Child Pornography" CRC/C/OPSA/MAR/Q/1

Government of Morocco (2008) 'National Report', Morocco's Submission to the Human Rights Council, Universal Periodic Review of Morocco

Terre des Hommes (2005) "Rapport de la section Maroc du Groupe des ONG pour la Convention relative aux droits de l'enfant sur la mise en œuvre du Protocole facultatif à la Convention relative aux droits de l'enfant, concernant la vente d'enfants, la prostitution des enfants et la pornographie mettant en scène des enfants"

US State Department (2007) "Morocco – 2006 Country Report Human Practices"

World Bank (2004) "Morocco – Country Assistance Strategy 2005-2009"

### **Oman**

"Situation Analysis: Saudi Arabia", UNICEF, 2003

Committee on the Rights of the Child (2001) "Concluding Observations: Oman, 28<sup>th</sup> Session, CRC/C/15/Add.161

Committee on the Rights of the Child (2006) "Oman: Second Periodic Report of State Parties Due in 2004, Consideration of Reports Submitted by State Parties Under Article 44 of the Convention on the Rights of the Child", CRC/C/OMN/2

Committee on the Rights of the Child (2006) "Concluding Observations, Oman, UN Convention on the Rights of the Child", Committee on the Rights of the Child, CRC/C/OMN/2

Government of Oman (2006) "Written Replies from the Government of Oman to the List of Issues to be taken up in consideration of the second periodic report of Oman by the Committee on the Rights of the Child", CRC/C/OMN/Q/2/Add.1

Peter Newell, (2006) "Briefing for the Committee on the Rights of the Child, Pre-Sessional Working Group", Global Initiative to the End all Corporal Punishment of Children

US State Department (2007) "Oman 2006 - Country Report on Human Rights Practices"

World Health Organisation (2000) "World Health Organization Assesses the World's Health Systems"

### **Qatar**

Amnesty International USA (2008) "2008 Annual Report for Qatar"

Committee on the Rights of the Child (2001) "Concluding Observations", Twenty Eight Session, Consideration of Initial Report Submitted by Qatar, CRC/C/15/Add.163

Committee on the Rights of the Child (2006) "Concluding Observations: Qatar: Committee on the Rights of the Child", Forty sixth session, Consideration of Reports Submitted by State Parties Under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography, CRC/C/OPSC/QAT/CO/1

Committee on the Rights of the Child (2007) "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

Human Rights Council (2007) "Report of the Special Rapporteur on trafficking in persons, especially women and children", Sigma Huda, Mission to Bahrain, Oman and Qatar, A/HRC/4/23/Add.2

International Bureau for Children's Rights (2007) "Making Children's Rights Work: Country Profile on Qatar"

Oxford Business Group (2007) "The Report: Emerging Qatar 2007", Country Business Intelligence Report

United Nations (2006) "Expert on Trafficking in Persons Ends Visit to Qatar"

UNICEF "Draft Programme of Co-operation between the Government of Qatar and UNICEF Gulf Area Office, 2007 – 2009"

US State Department (2007) "Qatar – 2006 Country Reports on Human Rights Practices"

US State Department (2008) "Qatar: 2007 Country Report on Human Rights Practices"

### **Saudi Arabia**

Committee on the Elimination of Racial Discrimination (2003) "Concluding Observations: Saudi Arabia CERD/C/62/CO/8"

Committee on the Elimination of Discrimination against Women (2008) "Concluding Observations: Saudi Arabia", Committee on the Elimination of Discrimination against Women", CEDAW/C/SAU/CO/2"

Committee on the Rights of the Child (2005) "Saudi Arabia: Second Periodic Reports of States parties due in 2003", CRC/C/136/Add.1"

Committee on the Rights of the Child (2006), "Concluding Observations of the Committee on the Rights of the Child: Saudi Arabia", UN Committee on the Rights of the Child, 40<sup>th</sup> Session, CRC/C/SAU/CO2"

Committee on the Rights of the Child (2006) "Summary Record of the 1114<sup>th</sup> Meeting held on 24 January 2006" Consideration of Second Periodic Report of Saudi Arabia, Committee on the Rights of the Child", CRC/C/SR.1114"

Human Rights Watch (2006) "Chadians Barred from Schools, Hospitals, Saudi-Born Chadians Face Increasing Discrimination under New Policies", Human Rights Watch (2008) Saudi Arabia; Events of 2007 in "World Report 2008"

Human Rights Watch (2008) "Precarious Justice - Arbitrary Detention and Unfair Trials in a Deficient Criminal Justice System", Human Rights Watch

Oxford Business Group (2008) "Saudi Arabia - Country Business Intelligence Report"

UNICEF (2003) "Situation Analysis: Saudi Arabia"

UNICEF (2007) "Draft Programme of Co-operation between the Kingdom of Saudi Arabia and UNICEF Gulf Area Office 2007-2009"

UNHCR (2007) "UNHCR Global Report 2005"

US State Department (2007) "Saudi Arabia – 2006 Country Report on Human Practices"

### **Syria**

Amnesty International (2007) "Millions in Flight: The Iraqi Refugee Crisis"

British Council (2004) "Strategic Planning and Governance in NGOs in Syria", Workshop Report, Syria; Active Learning Centre and NGOs in Syria

Committee on the Rights of the Child (1996) "Syrian Arabic Republic 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", CRC/C/28/Add.2

Committee on the Rights of the Child (2002) "Syrian Arabic Republic Second Periodic Report, Consideration of Reports Submitted by State Parties", Committee on the Rights of the Child, CRC/C/93/Add.2,

Committee on the Rights of the Child (2003) "Concluding Observations: Syrian Arabic Republic" CRC/C/15/Add.212

Committee on the Rights of the Child (2003) "Summary Record of the 884<sup>th</sup> Meeting, Committee on the Rights of the Child, 33<sup>rd</sup> Session, Consideration of Second Periodic Report of the Syrian Arabic Republic," CRC/C/SR.884

Committee on the Rights of the Child (2007) "Syrian Arabic Republic, Initial State Party Report on Optional Protocol of the CRC on the Sale of Children, Child Pornography and Child Prostitution", CRC/C/OPAC/SYR/1

Refugee International (2005) "Syria: Follow up on Commitment to Grant Citizenship to Stateless Kurds"

Save the Children Sweden Institute of Public Management "Situation Analysis: The Rights of the Palestinian Child

Save the Children UK (2007) "Quality Inclusive Education Programme Plan – Findings of National Research", Internal Document, Middle East and North Africa Programme, Cairo

United Nations (2006) "Committee on Rights of Child Examines Report of Syria on Sale of Children, Child Prostitution and Pornography"

UNDP (2005) "Education and Human Development: Towards Better Efficiency: National Human Development Report

UNHCR (2007) "Syrian Arabic Republic: 2005 UNHCR Statistical Yearbook", United Nations High Commissioner for Refugees

## **Tunisia**

Committee on the Rights of the Child (2001) "Periodic Report of State Parties due in 1999: Tunisia", CRC/C/83/Add.1

Committee on the Rights of the Child (2002) "Summary Record of the 789<sup>th</sup> Meeting, Consideration of Periodic Report of Tunisia", CRC/C/SR789

Committee on the Rights of the Child (2002) "Concluding Observations of the Committee on the Rights of the Child on the Second Periodic Report of Tunisia, CRC/C/15/Add.181

OECD and African Development Bank (2004) "African Economic Outlook - Tunisia"

Peter Newell (2007) "Briefing for the Human Rights Council, Universal Periodic Review, 1<sup>st</sup> Session, 2007", Global Initiative to End All Corporal Punishment of Children

Susan Watts (2007) "The Impact on Women of Changes in Personal Status Law in Tunisia", , World Health Organisation Regional Office for the Eastern Mediterranean, Cairo, Egypt

Tunisian Republic (2006) "Consolidated Periodic Report of Tunisia, African Charter of Human and People's Rights, 1995-2006"

UNICEF (2007) "Tunisia - Revised Country Programme Document", UNICEF

US State Department (2006) "Tunisia – 2005 Country Reports on Human Rights Practices"

U.S. State Dept Trafficking in Persons Report (2007) Human Trafficking & Modern-day Slavery, Republic of Tunisia"

World Bank (2003) "Tunisia: A School System Striving For Its Own Graduation"

### **United Arab Emirates**

Committee on the Rights of the Child (2001) "Initial reports of States parties due in 1999 – United Arab Emirates"

Committee on the Rights of the Child (2002) "Concluding observations of the Committee on the Rights of the Child - United Arab Emirates", CRC/C/15/Add.183

Committee on the Rights of the Child (2002) 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"

UNICEF (2007) "Draft Programme of Co-operation between United Arab Emirates and UNICEF 2007 – 2009"

US State Department (2007) "2006 United Arab Emirates - Country Reports on Human Rights Practices"

### **Section II: Child Rights Situation Analysis at Regional Level**

African Union (2004) "Commission of the African Union: 2004 – 2007 Strategic Plan"

African Union, (2006) "Report on the Eighth Meeting of the African Committee of Experts on the Rights and Welfare of the Child", Ethiopia

Bience P. Gawanas (2005), AU Commissioner for Social Affairs, "Celebrating the Day of the African Child – Welcoming Remarks", Workshop on Social protection for Orphans and Vulnerable Children

Defence for Children International – Palestine Section (2008) "DCI's concern over Arab Charter authorising death penalty against children" Ramallah, OPT

International Bureau for Children's Rights (2007) "Making Children's Rights Work in North Africa", Canada

International NGO and Training Centre INTRAC (2007) Overview of Civil Society in the Arab World", Praxis Paper No. 20, Mervat Rishmawi with Tim Morris,

Human Rights Watch (2008) "World Report"

Laila Gad (2007) "Taking Harmonization Forward: What can the AU Commit to?", Paper presented at Regional Symposium on Harmonization of Laws on Children in Eastern and Southern Africa, African Union, 9-10 May 2007, Nairobi, Kenya

League of Arab States (2003) "Draft Arab Action Plan on Childhood (Ten-Year Plan)

Mohammed Abdo Asugheir (2007) "Analytical Study on Higher Council's for Children and National Committees on Childhood", Administration for Family and Childhood, League of Arab States, April 2007 (unofficial translation)

Nawaf Kabbara, (2002) "Arab Conference on Disability held October 2002 in Beirut, Identifies Violence as a Major Cause of Disability", Arab Organization of Disabled People

Office of the United Nations High Commissioner for Human Rights (2004) "Report on the Workshop on the Implementation of the Concluding Observations of the Committee on the Rights of the Child - Damascus, 17 - 19 December 2003"

Organisation of African Unity (1981) "African (Banjul) Charter on Human and People's Rights, OAU Doc. CAB/LEG/67/3

Organisation of African Unity (1990) "African Charter on the Rights and Welfare of the Child", OAU Doc. CAB/LEG/24.9/49

Organisation of Islamic Conference (1990) "Cairo Declaration on Human Rights in Islam", Adopted during the Nineteenth Islamic Conference of Foreign Ministers, Cairo, Egypt

Organisation of Islamic Conference (1994) "Resolution N. 16/7", the Seventh Islamic Summit Conference, Casablanca, Kingdom of Morocco, 13-15 December, 1994

Plan International (2007) "Mid-Term Review of the African Common Position of Children"

Salim Naser (2005) "Arab Civil Societies and Public Governance Reforms - An Analytical Framework and Overview", UNDP

Save the Children Sweden (2005) "Situational Analysis of the Regional Actors in the Field of Child Rights in the MENA Region", Mohammed Abdo Azzageer, Yemen

Save the Children UK (2007) "Regional Scoping Exercise", A. Hauzar, E. Eidarous and A. Al Kassir, Egypt

United Nations General Assembly (1995) "Report of the Secretary General Cooperation between the United Nations and the Organisation of the Islamic Conference"

United Nations General Assembly (1996) "Progress at Mid-Decade on Implementation of General Assembly resolution 45/217 on the World Summit for Children, Report of the Secretary-General

United Nations General Assembly (2006) "Rights of the Child - Note by the Secretary-General", Sixty-first session, Promotion and Protection of the Rights of Children, A/61/299

UNESCO (2008) Regional overview: Arab States in "2008 Education For All Global Monitoring Report"

UNICEF (2001), "Commercial Sexual Exploitation of Children: MENA Region", Second World Congress against Commercial and Sexual Exploitation

UNICEF (2001) "Arab High Level Conference on the Rights of the Child Concludes in Cairo", Cairo

UNICEF (2003) "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

UNICEF (2004) "Concept Paper and Agenda the Third Arab High Level Conference on the Rights of the Child Tunis"

UNICEF (2005) "Progress for Children" Report Card on Gender Parity and Primary Education"

World Bank (2005) "A Note on Disability Issues in the Middle East and North Africa", Human Development Department, Middle East and North Africa Region



World Bank (2007) "Youth: An Undervalued Asset: Towards a New Agenda in the Middle East and North Africa"

World Bank (2008) "The Road Not Traveled: Education Reform in the Middle East and North Africa", MENA Development Report, Washington DC

### **Useful Websites**

African Union <http://www.africa-union.org>

Child Rights Information Network [crin.org](http://crin.org)

Food and Agriculture Organisation, [www.fao.org](http://www.fao.org)

Foreign and Commonwealth Office, <http://www.fco.gov.uk>

GCC, <http://gcc-sg.org/Foundations.html>

Oxford Business Group, <http://www.oxfordbusinessgroup.com/country.asp?country=3>

Refugees International website, [http://www.refintl.org/section/publications/stateless\\_mideast](http://www.refintl.org/section/publications/stateless_mideast)

Terre des Himmes <http://www.tdh.ch/website/tdhch.nsf/0/algeriaE>

UNICEF, <http://www.unicef.org/infobycountry/>

World Bank, [worldbank.org](http://worldbank.org)

United Nations Development Programme, Programme on Governance in the Arab World (UNDP POGAR), available at <http://www.pogar.org/countries/civil.asp>

United Nations Office of the High Commissioner for Human Rights website:

<http://www.ohchr.org/EN/countries/MENARegion/Pages/DZIndex.aspx>

UNRWA website: <http://www.un.org/unrwa/>

## **Annex 1**



**Save the Children**  
Sweden

**MENA Regional Office**

**Terms of Reference**

**11 March 2008**

**Child Rights Situation Analysis in the Middle East and North Africa Region:  
Focus on Protection, Education, Emergencies and role of Civil Society**

### **1. Background**

The Child Rights Situation Analysis (CRSA) is intended to inform SCS MENA of the status of children's rights, the dominant violations and the roles played by all actors (duty bearers, co-responsible, caregivers, stakeholders, children...etc) in implementing the CRC. Areas of focus of the study are **protection, education**, and role of **civil society** in the MENA region.

This CRSA will be a desk review and serves to gather up-to-date baseline data to be used subsequently in informing the development and implementation of prevention and intervention strategies that effectively address the needs of children in the MENA region. The CRSA will also include an **analysis of all the actors** who play a role in implementing the CRC in the MENA region, indicating the degree of compliance with their roles and responsibilities.

The consultant would lead the process of conducting the CRSA, working in close cooperation with the Regional Advocacy Manager (RAM) and regional team. RAM will provide support in terms of available relevant material from MENA office and guidance on the structure and outline of the report.

## **2. Objectives of the CRSA**

To provide SCS MENA office with an up-to-date rights-based analysis:

- a) of the situation of children in the MENA region in relation to their right to protection from violence, abuse, discrimination and neglect and their right to education.
- b) of the duty-bearers and stakeholders of child rights in the MENA, with a particular focus on civil society

## **3. Specification of content for regional study:**

The study shall provide information regarding the following countries: Morocco (including West Sahara), Algeria, Tunisia, Libya, Egypt, Syria, Jordan, Iraq, Kuwait, Saudi Arabia, Oman, UAE, Qatar and Bahrain. Country Offices will be conducting the country CRSA for oPt, Lebanon and Yemen.

### **3.1 At country level**

#### **3.1.1 Context**

##### **3.1.1.1 Background/context on the political and socio-economic situation in the country:**

- a. System of governance and level of decentralization
- b. Structural Adjustment Programs by WB/IMF
- c. Conflicts and disasters
- d. Human rights situation
- e. Power and gender analysis
- f. General data on situation of children
- g. Resources allocated to children including welfare support systems
- h. Also refer to sections 3.6, 3.7, 3.8 and 3.9 of the attached document Child Rights situation analysis guiding questions (international program 25 Oct 2007)

- i. Could we add a question about: who are the children living in the country? Any refugees group, ethnic and religious minorities, migrant workers, asylum seekers, etc....

### **3.1.1.2 Brief description of society and culture vis-à-vis children**

Perceptions of children and childhood especially regarding children's capacities and participation,

- j. highlight common practices with children,
- k. Role of adults (care-givers and educators)

### **3.1.2 Status of the Rights of the Child**

- *When was the CRC ratified?*
- *What reservations, if any, have been done?*
- *What other optional protocols have been ratified?*
- *How many state reports have been issued?*
- *How many alternative reports have been issued and who has written those alternative reports?*
- *What were the major concluding observations to the reports by the UNCRC?*
- *What are the major issues discussed in the reports/intersections between NGO report and government report/ major issues that were repeated in the 3-4 reports since 1991."*
- *What are the other Human Rights treaties/conventions ratified (related to Arab League and World Islamic Conference)?*

### **3.1.3 Status of the Right to protection (from violence, abuse, discrimination, neglect).**

Legislation

Systems

Policies

Law enforcement

Gaps in implementation

### **3.1.4 Status of the Right to education (Quality, Environment, Access)**

Legislation

Systems

Policies

Gaps in implementation

Allocated budgets for education – by government and international donors to education programs (e.g. SIDA to UNICEF, etc...)

### **3.1.5 Status of the Right to protection and education under emergencies (in case there is an emergency)**

Legislation

Systems

Policies

Government/Occupying Power actions

Gaps in rights fulfillment

Availability of national emergency preparedness plans and allocated budgets for emergency – by government and international donors to child-based interventions.

### **3.1.5 Stakeholder (duty-bearers) analysis, with focus on civil society**

- a. Govt. service providers
- b. Legislators and policy-makers

- c. Caregivers and educators – teachers, parents, community leaders, etc.
- d. **Civil society** – local NGOs and CBOs, UN bodies and int'l NGOs
  - o What role is civil society playing in following up the CRC?
  - o What are the regulatory frameworks for NGO's practiced in the country?
  - o What are the stated obstacles to fulfilling their role as co-responsible parties?
    - Internal factors
    - External factors
- e. Also refer to sections 3.2, 3.3, 3.4 and 3.5 of the attached document Child Rights situation analysis guiding questions (international program 25 Oct 2007)

### **3.2 At regional level:**

#### **3.2.1 Actors Analysis (18 pages)**

1. Regional Actors (this part shall discuss formal as well as informal duty bearers)
  - a. Regional Bodies: The League of Arab States, African Union, Council of Gulf Countries, Conference of Islamic countries, etc
  - b. Review of introduction/status of policy, laws or legislations to implement children's rights, including suggested mechanisms for monitoring and follow up at regional level
  - c. Systems, Institutions, conventions, treaties concerned with child rights in the region (e.g. on conventions: Arab Convention on Child Rights, Islamic Covenant of the Rights of the Child, Arab Charter of Human Rights)
  - d. Listing any measures taken on by regional bodies (African Union, Arab League, Council of Gulf Countries, Conference of Islamic countries, etc...) to respond to the concluding observations of Committee on the Rights of the Child.
  - e. Role of information institutions (academic, research, etc...) in the sphere of child rights (e.g. Masters on CRC, etc...)
  
2. Civil society
  - a. What role is civil society playing in following up the CRC at regional level?
  - b. What are the regulatory frameworks for NGO's practiced in the region?
  - c. What are the stated obstacles to fulfilling their role as co-responsible parties?
  - d. Services/activities provided/executed by which regional actors on Child Rights
  - e. Also refer to sections 3.2, 3.3, 3.4 and 3.5 of the attached document Child Rights situation analysis guiding questions (international program 25 Oct 2007)
  
3. The international community and how it contributes to the implementation/fulfillment of the CRC in the region:
  - a. The UN Agencies: UNICEF, UNHCR, UNRWA, UNDP, UNESCO, WHO, ILO...etc.
  - b. The Save the Children Alliance and other INGOs
  - c. The World Bank and other donor/funding bodies

#### **3.2.2 Common trends between countries in the region (at regional level) on the status of the right to education (2-4 pages)**

#### **3.2.3 Common trends between countries in the region (at regional level) on the status of the right to education (2-4 pages)**

#### **4. Guiding documentation:**

Consultant should use the following documentation in her/his work:

- “Child Rights Situation Analysis Guiding Questions, International Program, SCS, 25 Oct 2007
- Getting it Right for Children, A practitioners’ guide to child rights programming, pp. 21 – 39.
- SCS has prepared a list of documents and references for your review consisting of internal documentation as well as recent studies relevant to the purpose of this consultancy. It will be shared with the consultant upon initiation of the analysis.

## **5. Methodology**

The consultant shall conduct a desk review using material provided by the regional office, but also using other sources that are not specified in this ToR. Certain sections will be covered by SCS; as indicated. SCS will add the sections on countries: Lebanon, Yemen and oPt once ready by country offices.