

Hurras was established in 2013 in response to the urgent need imposed by the brutal war in Syria to advocate for keeping Syrian children away from the conflict and provide them with protection and psychosocial care.

Hurras Network for the Protection and Care of Syrian Children is considered the first non-governmental organization in Syria in the field of child protection.

Since its establishment, the network has committed itself to being geographically present in the tensest conflict areas, with the aim of delivering its services to children directly.

The network's services include monitoring and documenting violations against children, providing an integrated system for managing cases that need urgent intervention, empowering the local community to understand children's rights and commitment to protect them, introducing safe intervention methods to protect them by providing training, specialized support and capacity building, and working to change local policies with regard to the rights of children and youth, as well as protecting children from recruitment, employment and exploitation in its various forms, protection from early marriage, and empowering society to provide equal opportunities for boys and girls.

In all its projects, Hurras Network seeks to reach a safe environment in which the child can live enjoying all his rights.

It believes that all human beings equally enjoy inherent rights that cannot be grabbed of them under any circumstances, and it is the responsibility of governments to protect these rights and enable individuals to enjoy them equally in addition to enacting legislation that guarantees that all individuals on their territory enjoy their rights through deterrent legislation facing anyone who violates or contributes to depriving a person or group of persons of these rights.

Children in particular enjoy special protection because they are the most vulnerable group and are unable to access their right separately without the help of the family, society and the state, especially the basic rights that are inherent to the child from birth, such as the right to life and the right to nationality.

Hurras believes that the most dangerous type of violence that can be practiced against this group is legal violence, when some of the law practices cause harm or denying from basic rights with legislative support.

Therefore, in its report on the International Covenant on Civil and Political Rights, Hurras will discuss articles related to children that contain texts of Syrian law which contain clear violation of the covenant that would affect the protection of children and their future, as in some articles of the Syrian penal code or the nationality law, or some of the current governmental practices that would affect inalienable and original rights of children.

Articles of the Covenant to be discussed:

Article 6, paragraph 1 of the International Covenant on Civil and Political Rights

Article 9, paragraph 4 of the International Covenant on Civil and Political Rights

Article 24, paragraph 1 of the International Covenant on Civil and Political Rights

Article 24, paragraph 3 of the International Covenant on Civil and Political Rights

Article 2, paragraph 1 of the International Covenant on Civil and Political Rights

The right to life:

The right to life is an inherent right of every person, and governments must take all necessary measures to protect this right from aggression. War or armed conflicts do not allow this right to be arbitrarily grabbed.

The weapons used today in the Syrian conflict by government and pro-government forces show no regard for this right.

Government forces have used, according to a [report](#) issued by the Independent International Commission of Inquiry on the Syrian Arab Republic * "[They have erased the dreams of children](#)", cluster munitions, heat bombs and chemical weapons, which by their nature are unable to identify the military target and are unable to determine the size of the victims, which caused the fall of a large number of victims, especially children, throughout the years of war.

897 children were killed and deprived of the right to life in Syria in 2019. Most of these cases were killed by government forces that are primarily responsible for protecting children on their territory.

This is what the United Nations emphasized in its report issued on the ninth of June 2020 on children and armed conflict.

These practices themselves are a clear violation of what the Syrian government has undertaken in accordance with Article 6 of the International Covenant on Civil and Political Rights, which states:

1. The right to life is an inherent right of every human being. And the law must protect this right. No one shall be arbitrarily deprived of his life.

Right to nationality:

The right to a nationality is considered one of the most important rights that accompany an individual and directly affect his life, due to the fact that this right is linked to many other rights. However, Syrian law restricted this right to the blood right to give citizenship, and also gave the child to a Syrian mother and an unknown father the Syrian nationality, in two conditions:

The first is that the mother is a Syrian Arab

The second is that the birth takes place in Syria

Where Article 3 of the [Syrian Nationality Law](#) stipulates:

He/she is considered a Syrian Arab by law:

A - Whoever was born inside or outside the country to a Syrian Arab father.

B. Whoever was born in the country to a Syrian Arab mother and his lineage to his father was not legally proven.

Consequently, children born to a Syrian mother and a foreign father will not enjoy the Syrian nationality despite their residency in Syria and even if they spend their lives there, which greatly threatens their exposure to discrimination and deprives them of the rights to own and vote in the country in which they learned and grew up.

In addition, according to the law, the children of Syrian mothers who married a foreigner outside the country will be prohibited from granting their children Syrian nationality if the father is of unknown parentage, which exposes these children to the risks of statelessness.

Moreover, there are risks imposed by the current circumstances and the ongoing war in Syria, which resulted in the marriage of Syrian women to foreigners inside the country and they had children from them, but some husbands died, lost, divorced or moved to a third country and abandoned his Syrian wife with her children. Consequently, they are deprived of acquiring citizenship in the country they had to live in and they may not be able to obtain the nationality of the father and thus face the risks of statelessness and lack of rights.

This is in violation of Article 2 of the International Covenant on Civil and Political Rights, which stipulates Article 2

1. Each state party to the covenant undertakes to respect the rights recognized therein, and to guarantee these rights to all individuals within its territory and within its jurisdiction, without any discrimination as to race, color, gender, language, religion, or political or other opinion, national or social origin, wealth, lineage, or other reasons.

It includes discrimination between men and women in the right to grant citizenship to children in addition to its violation of paragraph 3 of Article 24, which stipulates that "every child has the right to acquire nationality."

We should recall here the thousands of stateless individuals and children inside Syria despite the issuance of Legislative [Decree](#) No. 49 year 2011.

What failed to completely solve the problem of minorities in Syria, as the decree was limited to granting citizenship to Kurds registered as foreigners in the official records of the state according to the census that was carried out in 1962 by the Syrian government and did not address the rest of the minorities in Syria. Thousands of people who are not registered remain thus, either because they are not included in the census or because they do not belong to the category covered by the decree, and therefore they are still deprived to this day of their right to acquire nationality and thus deprived of most of their civil and political rights.

The right to protect a minor

Article 24 of the International Covenant states:

1. Every child, without any discrimination based on race, color, sex, language, religion, national or social origin, wealth or lineage, has the right to his family, society and the state to take the protection measures required by his being a minor.

While the covenant stipulated the responsibility of the state and society to take the protection measures required for a minor, texts in the Syrian law explicitly abandoned this protection, and even allowed for the minor to be hurt under a legal cover in a number of cases:

[The Syrian Penal Code](#), in its Article 185 paragraph 1:

The law permits:

A) The forms of discipline inflicted on children by their fathers and teachers, in a manner permitted by public custom.

Consequently, the law explicitly allowed for children to be subjected to beatings, whether in charge of care or teachers, in a manner permitted by custom, without any restriction on this authority, but rather leaving the matter of determining it to custom.

It must be noted that many of the Syrian laws, which are ostensibly consistent with the articles of the International Covenant, are emptied of meaning during implementation, which causes harm and crimes against children without effective monitoring of the application of these laws, especially the Juvenile Law, procedures for dealing with detained children, procedures and the duration of their arrest. It seems very clear that the legal texts contradict what is happening on the ground, especially with the presence of children detained in Syrian prisons, in which they are subjected to various types of torture without conducting any public trials against them despite the passage of years since their arrest, and this is a clear violation of what was mentioned in paragraph 4 of Article 9 of the International Covenant on Civil and Political Rights which states:

4. Everyone who has been deprived of his freedom by arrest or detention has the right to return to a court so that this court may decide without delay on the legality of his detention and order his release if the detention was unlawful.

Recommendations:

To put pressure to respect the right to life and to stop the indiscriminate killing tools used by the Syrian government, given that the right to life is a sacred and original right.

Urging the Syrian government to amend local laws, especially Article 185 of the Penal Code and Article 3 of the Nationality Law, in line with the content of Article 2 of the Covenant, which includes a commitment from every state party to this covenant to respect the rights recognized therein.

Creating an effective control mechanism over the application of local and international laws so that the texts of laws do not emptied of meaning, especially articles related to children, because they are the most vulnerable to exploitation and danger.

Coordination at the international level in order to transfer the work of the monitoring and reporting mechanism on children affected by armed conflict into Syria so that its presence constitutes a de facto end to the violations committed against children.

*We have no objection to using the report on behalf of the Hurras Network